Representative Jefferson S. Burton proposes the following substitute bill:

1	ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS
2	2023 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Jerry W. Stevenson
5	House Sponsor: Jefferson S. Burton
6	
7	LONG TITLE
8	General Description:
9	This bill modifies the Alcoholic Beverage Control Act and related provisions.
10	Highlighted Provisions:
11	This bill:
12	 creates and modifies definitions;
13	 prohibits a public transit district from allowing advertising on a transit vehicle that
14	promotes an alcoholic product;
15	 modifies the proximity within which a hotel licensee may be to a community
16	location;
17	 clarifies hotel and resort licensee room service requirements;
18	 modifies provisions related to flavored beer, heavy beer, and other malt beverages;
19	 establishes a process for the Department of Alcoholic Beverage Services
20	(department) to approve a manufacturer's sale or distribution of beer that contains
21	certain flavoring;
22	 prohibits a manufacturer from selling or distributing beer that contains certain
23	flavoring without the department's approval;
24	 clarifies penalties applicable to a manufacturer who sells or distributes beer that
25	contains certain flavoring without the department's approval;

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26	 requires the department to reject labeling or packaging for a malted beverage that is
27	likely to cause a person to believe the malted beverage is a nonalcoholic beverage
28	under certain circumstances;
29	 addresses minor ownership in an entity that applies for an alcohol license, package
30	agency, or permit;
31	 prohibits the department from purchasing or stocking spirituous liquor in a
32	container smaller than 200 milliliters except for certain purposes;
33	 modifies alcohol training and education requirements for certain staff of an alcohol
34	licensee;
35	 requires the Alcoholic Beverage Services Commission (commission) to provide
36	information regarding an off-premise beer retailer licensee's sale of an alcoholic
37	product to a minor to the Department of Public Safety and requires the Department
38	of Public Safety to manage the information;
39	 modifies alcohol license renewal fee requirements;
40	 removes provisions requiring the clerk of the court to notify the department of
41	violations of the Alcoholic Beverage Control Act or alcohol-related local
42	ordinances;
43	 prohibits storage of an alcoholic beverage for sale if a person is not authorized to
44	sell the alcoholic beverage;
45	 modifies license forfeiture requirements for retail licensees that cease operations;
46	 allows certain restaurant venues to obtain an on-premise banquet license for the
47	same premises as a restaurant license;
48	 limits the number of on-premise banquet licenses the commission may issue to a
49	restaurant venue;
50	 addresses the proximity within which a restaurant venue on-premise banquet license
51	may be to a community location;
52	 allows a hotel or resort to obtain an off-premise beer retailer state license;
53	 allows a restaurant patron who is escorted by a restaurant employee to carry an
54	unfinished drink from the dispensing area to the dining area;
55	 modifies serving size requirements for hard cider;
56	 modifies requirements for master full-service restaurant licensees;

57	 exempts resort sublicenses from the commission's calculation regarding the total
58	number of retail licenses issued;
59	 exempts a certain number of full-service restaurant licenses from the population
60	quota applicable to full-service restaurant licenses;
61	 exempts a certain number of bar establishment licenses from the population quota
62	applicable to bar establishment licenses;
63	 modifies requirements for certain equity licensees to maintain a substantial
64	recreational facility;
65	 provides that an equity licensee may have more than one dispensing structure on the
66	equity licensee's premises;
67	 increases the number of airport lounge licenses the commission may issue for an
68	international airport;
69	 allows the commission to issue a certain number of airport lounge licenses to a
70	domestic airport;
71	 requires a person who transports liquor to a domestic airport to obtain a liquor
72	transport license;
73	 modifies department notice requirements for, and the process for issuance of, an
74	event permit;
75	 allows the commission to deem certain licenses forfeited for the licensee's failure to
76	meet change in ownership notice requirements;
77	 modifies the time period within which a local industry representative licensee and
78	liquor warehousing licensee is required to notify the department regarding change of
79	ownership;
80	 modifies provisions related to management agreements concerning a business that is
81	utilizing an alcohol license;
82	 clarifies provisions related to alcohol inventory transfer agreements;
83	 creates reporting requirements;
84	 includes a sunset date; and
85	 makes technical and conforming changes.
86	Money Appropriated in this Bill:
87	None

88	Other Special Clauses:
89	None
90	Utah Code Sections Affected:
91	AMENDS:
92	32B-1-102 , as last amended by Laws of Utah 2022, Chapter 447
93	32B-1-202 , as last amended by Laws of Utah 2021, Chapter 291
94	32B-1-202.1 , as last amended by Laws of Utah 2022, Chapter 447
95	32B-1-206 , as last amended by Laws of Utah 2020, Chapter 219
96	32B-1-304 , as last amended by Laws of Utah 2021, Chapter 291
97	32B-1-603 , as last amended by Laws of Utah 2022, Chapter 447
98	32B-1-606 , as last amended by Laws of Utah 2022, Chapter 447
99	32B-1-608, as enacted by Laws of Utah 2010, Chapter 276
100	32B-1-703 , as renumbered and amended by Laws of Utah 2019, Chapter 403
101	32B-1-705 , as renumbered and amended by Laws of Utah 2019, Chapter 403
102	32B-2-202 , as last amended by Laws of Utah 2022, Chapter 447
103	32B-2-303, as last amended by Laws of Utah 2011, Chapter 307
104	32B-4-202, as last amended by Laws of Utah 2016, Chapter 176
105	32B-4-418, as enacted by Laws of Utah 2010, Chapter 276
106	32B-5-304, as last amended by Laws of Utah 2022, Chapter 447
107	32B-5-309, as last amended by Laws of Utah 2022, Chapter 447
108	32B-6-203 , as last amended by Laws of Utah 2019, Chapter 403
109	32B-6-205.2, as last amended by Laws of Utah 2022, Chapter 447
110	32B-6-206 , as last amended by Laws of Utah 2019, Chapter 403
111	32B-6-305.2, as last amended by Laws of Utah 2022, Chapter 447
112	32B-6-403 , as last amended by Laws of Utah 2018, Chapter 249
113	32B-6-404 , as last amended by Laws of Utah 2018, Chapter 249
114	32B-6-406 , as last amended by Laws of Utah 2020, Chapter 219
115	32B-6-503 , as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 3
116	32B-6-603 , as last amended by Laws of Utah 2020, Chapter 219
117	32B-6-605 , as last amended by Laws of Utah 2022, Chapter 447
118	32B-6-905.1 , as last amended by Laws of Utah 2022, Chapter 447

119	32B-6-1005, as last amended by Laws of Utah 2022, Chapter 447
120	32B-7-409, as enacted by Laws of Utah 2020, Chapter 219
121	32B-8-401, as last amended by Laws of Utah 2020, Chapter 219
122	32B-8b-102, as last amended by Laws of Utah 2020, Chapter 219
123	32B-8b-301, as last amended by Laws of Utah 2022, Chapter 447
124	32B-8d-103, as last amended by Laws of Utah 2022, Chapter 447
125	32B-8d-205, as last amended by Laws of Utah 2022, Chapter 447
126	32B-9-202, as last amended by Laws of Utah 2016, Chapter 35
127	32B-11-209 , as enacted by Laws of Utah 2010, Chapter 276
128	32B-11-210, as enacted by Laws of Utah 2016, Chapter 266
129	32B-11-609, as enacted by Laws of Utah 2010, Chapter 276
130	32B-12-302, as enacted by Laws of Utah 2010, Chapter 276
131	32B-17-102, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 3
132	32B-18-204, as renumbered and amended by Laws of Utah 2022, Chapter 447
133	32B-18-205 , as enacted by Laws of Utah 2022, Chapter 447
134	62A-15-401, as last amended by Laws of Utah 2022, Chapter 447
135	631-2-232, as last amended by Laws of Utah 2021, Chapter 291
136	ENACTS:
137	32B-1-603.5 , Utah Code Annotated 1953
138	
139	Be it enacted by the Legislature of the state of Utah:
140	Section 1. Section 32B-1-102 is amended to read:
141	32B-1-102. Definitions.
142	As used in this title:
143	(1) "Airport lounge" means a business location:
144	(a) at which an alcoholic product is sold at retail for consumption on the premises; and
145	(b) that is located at an international <u>airport or domestic</u> airport.
146	(2) "Airport lounge license" means a license issued in accordance with Chapter 5,
147	Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
148	(3) "Alcoholic beverage" means the following:
149	(a) beer; or

150	(b) liquor.
151	(4) (a) "Alcoholic product" means a product that:
152	(i) contains at least .5% of alcohol by volume; and
153	(ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
154	process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
155	in an amount equal to or greater than .5% of alcohol by volume.
156	(b) "Alcoholic product" includes an alcoholic beverage.
157	(c) "Alcoholic product" does not include any of the following common items that
158	otherwise come within the definition of an alcoholic product:
159	(i) except as provided in Subsection (4)(d), an extract;
160	(ii) vinegar;
161	(iii) preserved nonintoxicating cider;
162	(iv) essence;
163	(v) tincture;
164	(vi) food preparation; or
165	(vii) an over-the-counter medicine.
166	(d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
167	when it is used as a flavoring in the manufacturing of an alcoholic product.
168	(5) "Alcohol training and education seminar" means a seminar that is:
169	(a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
170	(b) described in Section 62A-15-401.
171	(6) "Arena" means an enclosed building:
172	(a) that is managed by:
173	(i) the same person who owns the enclosed building;
174	(ii) a person who has a majority interest in each person who owns or manages a space
175	in the enclosed building; or
176	(iii) a person who has authority to direct or exercise control over the management or
177	policy of each person who owns or manages a space in the enclosed building;
178	(b) that operates as a venue; and
179	(c) that has an occupancy capacity of at least 12,500.
180	(7) "Arena license" means a license issued in accordance with Chapter 5, Retail

181	License Act, and Chapter 8c, Arena License Act.
182	(8) "Banquet" means an event:
183	(a) that is a private event or a privately sponsored event;
184	(b) that is held at one or more designated locations approved by the commission in or
185	on the premises of:
186	(i) a hotel;
187	(ii) a resort facility;
188	(iii) a sports center;
189	(iv) a convention center;
190	(v) a performing arts facility; [or]
191	(vi) an arena; <u>or</u>
192	(vii) a restaurant venue;
193	(c) for which there is a contract:
194	(i) between a person operating a facility listed in Subsection (8)(b) and another person
195	that has common ownership of less than 20% with the person operating the facility; and
196	(ii) under which the person operating a facility listed in Subsection (8)(b) is required to
197	provide an alcoholic product at the event; and
198	(d) at which food and alcoholic products may be sold, offered for sale, or furnished.
199	(9) (a) "Bar establishment license" means a license issued in accordance with Chapter
200	5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
201	(b) "Bar establishment license" includes:
202	(i) a dining club license;
203	(ii) an equity license;
204	(iii) a fraternal license; or
205	(iv) a bar license.
206	(10) "Bar license" means a license issued in accordance with Chapter 5, Retail License
207	Act, and Chapter 6, Part 4, Bar Establishment License.
208	(11) (a) "Beer" means a product that:
209	(i) contains:
210	(A) at least .5% of alcohol by volume; and
211	(B) no more than 5% of alcohol by volume or 4% by weight;

212	(ii) is obtained by fermentation, infusion, or decoction of:
213	(A) malt; or
214	(B) a malt substitute; and
215	(iii) is clearly marketed, labeled, and identified as:
216	(A) beer;
217	(B) ale;
218	(C) porter;
219	(D) stout;
220	(E) lager;
221	(F) a malt;
222	(G) a malted beverage; or
223	(H) seltzer.
224	(b) "Beer" may contain:
225	(i) hops extract; [or]
226	(ii) caffeine, if the caffeine is a natural constituent of an added ingredient[-]; or
227	(iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
228	(A) is used in the production of beer;
229	(B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
230	Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
231	(C) does not contribute more than 10% of the overall alcohol content of the beer.
232	(c) "Beer" does not include:
233	(i) a flavored malt beverage;
234	(ii) a product that contains alcohol derived from:
235	(A) except as provided in Subsection (11)(b)(iii), spirituous liquor; or
236	(B) wine; or
237	(iii) a product that contains an additive masking or altering a physiological effect of
238	alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
239	(12) "Beer-only restaurant license" means a license issued in accordance with Chapter
240	5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
241	(13) "Beer retailer" means a business that:
242	(a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether

243	for consumption on or off the business premises; and
244	(b) is licensed as:
245	(i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
246	Retailer Local Authority; or
247	(ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
248	Chapter 6, Part 7, On-Premise Beer Retailer License.
249	(14) "Beer wholesaling license" means a license:
250	(a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
251	(b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
252	retail licensees or off-premise beer retailers.
253	(15) "Billboard" means a public display used to advertise, including:
254	(a) a light device;
255	(b) a painting;
256	(c) a drawing;
257	(d) a poster;
258	(e) a sign;
259	(f) a signboard; or
260	(g) a scoreboard.
261	(16) "Brewer" means a person engaged in manufacturing:
262	(a) beer;
263	(b) heavy beer; or
264	(c) a flavored malt beverage.
265	(17) "Brewery manufacturing license" means a license issued in accordance with
266	Chapter 11, Part 5, Brewery Manufacturing License.
267	(18) "Certificate of approval" means a certificate of approval obtained from the
268	department under Section 32B-11-201.
269	(19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
270	a bus company to a group of persons pursuant to a common purpose:
271	(a) under a single contract;
272	(b) at a fixed charge in accordance with the bus company's tariff; and
273	(c) to give the group of persons the exclusive use of the passenger bus, coach, or other

274	motor vehicle, and a driver to travel together to one or more specified destinations.
275	(20) "Church" means a building:
276	(a) set apart for worship;
277	(b) in which religious services are held;
278	(c) with which clergy is associated; and
279	(d) that is tax exempt under the laws of this state.
280	(21) "Commission" means the Alcoholic Beverage Services Commission created in
281	Section 32B-2-201.
282	(22) "Commissioner" means a member of the commission.
283	(23) "Community location" means:
284	(a) a public or private school;
285	(b) a church;
286	(c) a public library;
287	(d) a public playground; or
288	(e) a public park.
289	(24) "Community location governing authority" means:
290	(a) the governing body of the community location; or
291	(b) if the commission does not know who is the governing body of a community
292	location, a person who appears to the commission to have been given on behalf of the
293	community location the authority to prohibit an activity at the community location.
294	(25) "Container" means a receptacle that contains an alcoholic product, including:
295	(a) a bottle;
296	(b) a vessel; or
297	(c) a similar item.
298	(26) "Controlled group of manufacturers" means as the commission defines by rule
299	made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
300	(27) "Convention center" means a facility that is:
301	(a) in total at least 30,000 square feet; and
302	(b) otherwise defined as a "convention center" by the commission by rule.
303	(28) (a) "Counter" means a surface or structure in a dining area of a licensed premises
304	where seating is provided to a patron for service of food.

205	(b) "Counter" doog not include a dispensing structure
305	(b) "Counter" does not include a dispensing structure.
306	(29) "Crime involving moral turpitude" is as defined by the commission by rule.
307	(30) "Department" means the Department of Alcoholic Beverage Services created in
308	Section 32B-2-203.
309	(31) "Department compliance officer" means an individual who is:
310	(a) an auditor or inspector; and
311	(b) employed by the department.
312	(32) "Department sample" means liquor that is placed in the possession of the
313	department for testing, analysis, and sampling.
314	(33) "Dining club license" means a license issued in accordance with Chapter 5, Retail
315	License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
316	commission as a dining club license.
317	(34) "Director," unless the context requires otherwise, means the director of the
318	department.
319	(35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
320	title:
321	(a) against a person subject to administrative action; and
322	(b) that is brought on the basis of a violation of this title.
323	(36) (a) Subject to Subsection (36)(b), "dispense" means:
324	(i) drawing an alcoholic product; and
325	(ii) using the alcoholic product at the location from which it was drawn to mix or
326	prepare an alcoholic product to be furnished to a patron of the retail licensee.
327	(b) The definition of "dispense" in this Subsection (36) applies only to:
328	(i) a full-service restaurant license;
329	(ii) a limited-service restaurant license;
330	(iii) a reception center license;
331	(iv) a beer-only restaurant license;
332	(v) a bar license;
333	(vi) an on-premise beer retailer;
334	(vii) an airport lounge license;
335	(viii) an on-premise banquet license; and

336	(ix) a hospitality amenity license.
337	(37) "Dispensing structure" means a surface or structure on a licensed premises:
338	(a) where an alcoholic product is dispensed; or
339	(b) from which an alcoholic product is served.
340	(38) "Distillery manufacturing license" means a license issued in accordance with
341	Chapter 11, Part 4, Distillery Manufacturing License.
342	(39) "Distressed merchandise" means an alcoholic product in the possession of the
343	department that is saleable, but for some reason is unappealing to the public.
344	(40) "Domestic airport" means an airport that:
345	(a) has at least 15,000 commercial airline passenger boardings in any five-year period;
346	(b) receives scheduled commercial passenger aircraft service; and
347	(c) is not an international airport.
348	[(40)] (41) "Equity license" means a license issued in accordance with Chapter 5,
349	Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
350	commission as an equity license.
351	[(41)] <u>(42)</u> "Event permit" means:
352	(a) a single event permit; or
353	(b) a temporary beer event permit.
354	[(42)] (43) "Exempt license" means a license exempt under Section 32B-1-201 from
355	being considered in determining the total number of retail licenses that the commission may
356	issue at any time.
357	[(43)] (44) (a) "Flavored malt beverage" means a beverage:
358	(i) that contains at least .5% alcohol by volume;
359	(ii) for which the producer is required to file a formula for approval with the federal
360	Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage
361	is treated by processing, filtration, or another method of manufacture that is not generally
362	recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt
363	liquor; and
364	(iii) for which the producer is required to file a formula for approval with the federal
365	Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage
366	includes an ingredient containing alcohol.

367	(b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
368	ethanol-based flavoring agent that contributes to the overall alcohol content of the beverage.
369	(c) "Flavored malt beverage" does not include beer or heavy beer.
370	(d) "Flavored malt beverage" is considered liquor for purposes of this title.
371	[(44)] (45) "Fraternal license" means a license issued in accordance with Chapter 5,
372	Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
373	commission as a fraternal license.
374	[(45)] (46) "Full-service restaurant license" means a license issued in accordance with
375	Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
376	[(46)] (47) (a) "Furnish" means by any means to provide with, supply, or give an
377	individual an alcoholic product, by sale or otherwise.
378	(b) "Furnish" includes to:
379	(i) serve;
380	(ii) deliver; or
381	(iii) otherwise make available.
382	[(47)] (48) "Guest" means an individual who meets the requirements of Subsection
383	32B-6-407(9).
384	[(48)] (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
385	[(49)] <u>(50)</u> "Health care practitioner" means:
386	(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
387	(b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
388	(c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
389	(d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
390	Act;
391	(e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
392	Nurse Practice Act;
393	(f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
394	Practice Act;
395	(g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
396	Therapy Practice Act;
397	(h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

398	(i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
399	Professional Practice Act;
400	(j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
401	(k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
402	Practice Act;
403	(l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
404	Hygienist Practice Act; and
405	(m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
406	Assistant Act.
407	$\left[\frac{(50)}{(51)}\right]$ (a) "Heavy beer" means a product that:
408	(i) (A) contains more than 5% alcohol by volume; [and]
409	(B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
410	volume or 4% by weight, and a propolyne glycol-, ethyl alcohol-, or ethanol-based flavoring
411	agent that contributes more than 10% of the overall alcohol content of the product; or
412	(C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
413	volume or 4% by weight, and has a label or packaging that is rejected under Subsection
414	<u>32B-1-606(3)(b); and</u>
415	(ii) is obtained by fermentation, infusion, or decoction of:
416	(A) malt; or
417	(B) a malt substitute.
418	(b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
419	contain a propolyne glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to
420	the overall alcohol content of the heavy beer.
421	(c) "Heavy beer" does not include:
422	(i) a flavored malt beverage;
423	(ii) a product that contains alcohol derived from:
424	(A) except as provided in Subsections (51)(a)(i)(B) and (51)(b), spirituous liquor; or
425	(B) wine; or
426	(iii) a product that contains an additive masking or altering a physiological effect of
427	alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
428	[(b)] (d) "Heavy beer" is considered liquor for the purposes of this title.

429	[(51)] (52) "Hospitality amenity license" means a license issued in accordance with
430	Chapter 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
431	[(52)] (53) (a) "Hotel" means a commercial lodging establishment that:
432	(i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
433	(ii) is capable of hosting conventions, conferences, and food and beverage functions
434	under a banquet contract; and
435	(iii) (A) has adequate kitchen or culinary facilities on the premises to provide complete
436	meals;
437	(B) has at least 1,000 square feet of function space consisting of meeting or dining
438	rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or
439	(C) if the establishment is located in a small or unincorporated locality, has an
440	appropriate amount of function space consisting of meeting or dining rooms that can be
441	reserved for private use under a banquet contract, as determined by the commission.
442	(b) "Hotel" includes a commercial lodging establishment that:
443	(i) meets the requirements under Subsection $[(52)(a);](53)(a);$ and
444	(ii) has one or more privately owned dwelling units.
445	[(53)] (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail
446	License Act, and Chapter 8b, Hotel License Act.
447	[(54)] (55) "Identification card" means an identification card issued under Title 53,
448	Chapter 3, Part 8, Identification Card Act.
449	[(55)] (56) "Industry representative" means an individual who is compensated by
450	salary, commission, or other means for representing and selling an alcoholic product of a
451	manufacturer, supplier, or importer of liquor.
452	[(56)] (57) "Industry representative sample" means liquor that is placed in the
453	possession of the department for testing, analysis, and sampling by a local industry
454	representative on the premises of the department to educate the local industry representative of
455	the quality and characteristics of the product.
456	[(57)] (58) "Interdicted person" means a person to whom the sale, offer for sale, or
457	furnishing of an alcoholic product is prohibited by:
458	(a) law; or
459	(b) court order.

460	[(58)] (59) "International airport" means an airport:
461	(a) with a United States Customs and Border Protection office on the premises of the
462	airport; and
463	(b) at which international flights may enter and depart.
464	[(59)] (60) "Intoxicated" means that a person:
465	(a) is significantly impaired as to the person's mental or physical functions as a result of
466	the use of:
467	(i) an alcoholic product;
468	(ii) a controlled substance;
469	(iii) a substance having the property of releasing toxic vapors; or
470	(iv) a combination of Subsections $[(59)(a)(i)] (60)(a)(i)$ through (iii); and
471	(b) exhibits plain and easily observed outward manifestations of behavior or physical
472	signs produced by the overconsumption of an alcoholic product.
473	[(60)] (61) "Investigator" means an individual who is:
474	(a) a department compliance officer; or
475	(b) a nondepartment enforcement officer.
476	[(61)] <u>(62)</u> "License" means:
477	(a) a retail license;
478	(b) a sublicense;
479	(c) a license issued in accordance with Chapter 7, Part 4, Off-Premise Beer Retailer
480	State License;
481	(d) a license issued in accordance with Chapter 11, Manufacturing and Related
482	Licenses Act;
483	(e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
484	(f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
485	(g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
486	[(62)] (63) "Licensee" means a person who holds a license.
487	[(63)] (64) "Limited-service restaurant license" means a license issued in accordance
488	with Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
489	[(64)] (65) "Limousine" means a motor vehicle licensed by the state or a local
490	authority, other than a bus or taxicab:

491	(a) in which the driver and a passenger are separated by a partition, glass, or other
492	barrier;
493	(b) that is provided by a business entity to one or more individuals at a fixed charge in
494	accordance with the business entity's tariff; and
495	(c) to give the one or more individuals the exclusive use of the limousine and a driver
496	to travel to one or more specified destinations.
497	[(65)] <u>(66)</u> (a) (i) "Liquor" means a liquid that:
498	(A) is:
499	(I) alcohol;
500	(II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
501	(III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
502	(IV) other drink or drinkable liquid; and
503	(B) (I) contains at least .5% alcohol by volume; and
504	(II) is suitable to use for beverage purposes.
505	(ii) "Liquor" includes:
506	(A) heavy beer;
507	(B) wine; and
508	(C) a flavored malt beverage.
509	(b) "Liquor" does not include beer.
510	[(66)] (67) "Liquor Control Fund" means the enterprise fund created by Section
511	32B-2-301.
512	[(67)] (68) "Liquor transport license" means a license issued in accordance with
513	Chapter 17, Liquor Transport License Act.
514	[(68)] (69) "Liquor warehousing license" means a license that is issued:
515	(a) in accordance with Chapter 12, Liquor Warehousing License Act; and
516	(b) to a person, other than a licensed manufacturer, who engages in the importation for
517	storage, sale, or distribution of liquor regardless of amount.
518	[(69)] (70) "Local authority" means:
519	(a) for premises that are located in an unincorporated area of a county, the governing
520	body of a county;
521	(b) for premises that are located in an incorporated city, town, or metro township, the

522	governing body of the city, town, or metro township; or
523	(c) for premises that are located in a project area as defined in Section 63H-1-102 and
524	in a project area plan adopted by the Military Installation Development Authority under Title
525	63H, Chapter 1, Military Installation Development Authority Act, the Military Installation
526	Development Authority.
527	[(70)] (71) "Lounge or bar area" is as defined by rule made by the commission.
528	[(71)] <u>(72)</u> "Malt substitute" means:
529	(a) rice;
530	(b) grain;
531	(c) bran;
532	(d) glucose;
533	(e) sugar; or
534	(f) molasses.
535	[(72)] (73) "Manufacture" means to distill, brew, rectify, mix, compound, process,
536	ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to
537	others.
538	[(73)] (74) "Member" means an individual who, after paying regular dues, has full
539	privileges in an equity licensee or fraternal licensee.
540	[(74)] (75) (a) "Military installation" means a base, air field, camp, post, station, yard,
541	center, or homeport facility for a ship:
542	(i) (A) under the control of the United States Department of Defense; or
543	(B) of the National Guard;
544	(ii) that is located within the state; and
545	(iii) including a leased facility.
546	(b) "Military installation" does not include a facility used primarily for:
547	(i) civil works;
548	(ii) a rivers and harbors project; or
549	(iii) a flood control project.
550	[(75)] (76) "Minibar" means an area of a hotel guest room where one or more alcoholic
551	products are kept and offered for self-service sale or consumption.
552	[(76)] (77) "Minor" means an individual under 21 years old.

553	[(77)] (78) "Nondepartment enforcement agency" means an agency that:
554	(a) (i) is a state agency other than the department; or
555	(ii) is an agency of a county, city, town, or metro township; and
556	(b) has a responsibility to enforce one or more provisions of this title.
557	[(78)] (79) "Nondepartment enforcement officer" means an individual who is:
558	(a) a peace officer, examiner, or investigator; and
559	(b) employed by a nondepartment enforcement agency.
560	[(79)] (80) (a) "Off-premise beer retailer" means a beer retailer who is:
561	(i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
562	(ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
563	premises.
564	(b) "Off-premise beer retailer" does not include an on-premise beer retailer.
565	[(80)] (81) "Off-premise beer retailer state license" means a state license issued in
566	accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.
567	[(81)] (82) "On-premise banquet license" means a license issued in accordance with
568	Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
569	[(82)] (83) "On-premise beer retailer" means a beer retailer who is:
570	(a) authorized to sell, offer for sale, or furnish beer under a license issued in
571	accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
572	Retailer License; and
573	(b) engaged in the sale of beer to a patron for consumption on the beer retailer's
574	premises:
575	(i) regardless of whether the beer retailer sells beer for consumption off the licensed
576	premises; and
577	(ii) on and after March 1, 2012, operating:
578	(A) as a tavern; or
579	(B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
580	[(83)] <u>(84)</u> "Opaque" means impenetrable to sight.
581	[(84)] (85) "Package agency" means a retail liquor location operated:
582	(a) under an agreement with the department; and
583	(b) by a person:

584	(i) other than the state; and
585	(ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
586	Agency, to sell packaged liquor for consumption off the premises of the package agency.
587	[(85)] (86) "Package agent" means a person who holds a package agency.
588	[(86)] (87) "Patron" means an individual to whom food, beverages, or services are sold,
589	offered for sale, or furnished, or who consumes an alcoholic product including:
590	(a) a customer;
591	(b) a member;
592	(c) a guest;
593	(d) an attendee of a banquet or event;
594	(e) an individual who receives room service;
595	(f) a resident of a resort; or
596	(g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
597	license.
598	[(87)] (88) (a) "Performing arts facility" means a multi-use performance space that:
599	(i) is primarily used to present various types of performing arts, including dance,
600	music, and theater;
601	(ii) contains over 2,500 seats;
602	(iii) is owned and operated by a governmental entity; and
603	(iv) is located in a city of the first class.
604	(b) "Performing arts facility" does not include a space that is used to present sporting
605	events or sporting competitions.
606	[(88)] (89) "Permittee" means a person issued a permit under:
607	(a) Chapter 9, Event Permit Act; or
608	(b) Chapter 10, Special Use Permit Act.
609	[(89)] (90) "Person subject to administrative action" means:
610	(a) a licensee;
611	(b) a permittee;
612	(c) a manufacturer;
613	(d) a supplier;
614	(e) an importer;

615	(f) one of the following holding a certificate of approval:
616	(i) an out-of-state brewer;
617	(ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
618	(iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
619	(g) staff of:
620	(i) a person listed in Subsections $[(89)(a)] (90)(a)$ through (f); or
621	(ii) a package agent.
622	[(90)] (91) "Premises" means a building, enclosure, or room used in connection with
623	the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
624	product, unless otherwise defined in this title or rules made by the commission.
625	[(91)] (92) "Prescription" means an order issued by a health care practitioner when:
626	(a) the health care practitioner is licensed under Title 58, Occupations and Professions,
627	to prescribe a controlled substance, other drug, or device for medicinal purposes;
628	(b) the order is made in the course of that health care practitioner's professional
629	practice; and
630	(c) the order is made for obtaining an alcoholic product for medicinal purposes only.
631	[(92)] (93) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
632	(b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
633	[(93)] (94) "Principal license" means:
634	(a) a resort license;
635	(b) a hotel license; or
636	(c) an arena license.
637	[(94)] (95) (a) "Private event" means a specific social, business, or recreational event:
638	(i) for which an entire room, area, or hall is leased or rented in advance by an identified
639	group; and
640	(ii) that is limited in attendance to people who are specifically designated and their
641	guests.
642	(b) "Private event" does not include an event to which the general public is invited,
643	whether for an admission fee or not.
644	[(95)] (96) "Privately sponsored event" means a specific social, business, or
645	recreational event:

646	(a) that is held in or on the premises of an on-premise banquet licensee; and
647	(b) to which entry is restricted by an admission fee.
648	[(96)] <u>(97)</u> (a) "Proof of age" means:
649	(i) an identification card;
650	(ii) an identification that:
651	(A) is substantially similar to an identification card;
652	(B) is issued in accordance with the laws of a state other than Utah in which the
653	identification is issued;
654	(C) includes date of birth; and
655	(D) has a picture affixed;
656	(iii) a valid driver license certificate that:
657	(A) includes date of birth;
658	(B) has a picture affixed; and
659	(C) is issued:
660	(I) under Title 53, Chapter 3, Uniform Driver License Act;
661	(II) in accordance with the laws of the state in which it is issued; or
662	(III) in accordance with federal law by the United States Department of State;
663	(iv) a military identification card that:
664	(A) includes date of birth; and
665	(B) has a picture affixed; or
666	(v) a valid passport.
667	(b) "Proof of age" does not include a driving privilege card issued in accordance with
668	Section 53-3-207.
669	[(97)] (98) "Provisions applicable to a sublicense" means:
670	(a) for a full-service restaurant sublicense, the provisions applicable to a full-service
671	restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
672	(b) for a limited-service restaurant sublicense, the provisions applicable to a
673	limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
674	(c) for a bar establishment sublicense, the provisions applicable to a bar establishment
675	license under Chapter 6, Part 4, Bar Establishment License;
676	(d) for an on-premise banquet sublicense, the provisions applicable to an on-premise

677	banquet license under Chapter 6, Part 6, On-Premise Banquet License;
678	(e) for an on-premise beer retailer sublicense, the provisions applicable to an
679	on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
680	(f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
681	restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
682	(g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
683	license under Chapter 6, Part 10, Hospitality Amenity License; and
684	(h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
685	Part 2, Spa Sublicense.
686	[(98)] (99) (a) "Public building" means a building or permanent structure that is:
687	(i) owned or leased by:
688	(A) the state; or
689	(B) a local government entity; and
690	(ii) used for:
691	(A) public education;
692	(B) transacting public business; or
693	(C) regularly conducting government activities.
694	(b) "Public building" does not include a building owned by the state or a local
695	government entity when the building is used by a person, in whole or in part, for a proprietary
696	function.
697	[(99)] (100) "Public conveyance" means a conveyance that the public or a portion of
698	the public has access to and a right to use for transportation, including an airline, railroad, bus,
699	boat, or other public conveyance.
700	[(100)] (101) "Reception center" means a business that:
701	(a) operates facilities that are at least 5,000 square feet; and
702	(b) has as its primary purpose the leasing of the facilities described in Subsection
703	$\left[\frac{(100)(a)}{a}\right]$ (101)(a) to a third party for the third party's event.
704	[(101)] (102) "Reception center license" means a license issued in accordance with
705	Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.
706	$\left[\frac{(102)}{(103)}\right]$ (a) "Record" means information that is:
707	(i) inscribed on a tangible medium; or

708	(ii) stored in an electronic or other medium and is retrievable in a perceivable form.
709	(b) "Record" includes:
710	(i) a book;
711	(ii) a book of account;
712	(iii) a paper;
713	(iv) a contract;
714	(v) an agreement;
715	(vi) a document; or
716	(vii) a recording in any medium.
717	[(103)] (104) "Residence" means a person's principal place of abode within Utah.
718	[(104)] (105) "Resident," in relation to a resort, means the same as that term is defined
719	in Section 32B-8-102.
720	[(105)] (106) "Resort" means the same as that term is defined in Section 32B-8-102.
721	[(106)] (107) "Resort facility" is as defined by the commission by rule.
722	[(107)] (108) "Resort license" means a license issued in accordance with Chapter 5,
723	Retail License Act, and Chapter 8, Resort License Act.
724	[(108)] (109) "Responsible alcohol service plan" means a written set of policies and
725	procedures that outlines measures to prevent employees from:
726	(a) over-serving alcoholic beverages to customers;
727	(b) serving alcoholic beverages to customers who are actually, apparently, or obviously
728	intoxicated; and
729	(c) serving alcoholic beverages to minors.
730	[(109)] (110) "Restaurant" means a business location:
731	(a) at which a variety of foods are prepared;
732	(b) at which complete meals are served; and
733	(c) that is engaged primarily in serving meals.
734	[(110)] (111) "Restaurant license" means one of the following licenses issued under
735	this title:
736	(a) a full-service restaurant license;
737	(b) a limited-service restaurant license; or
738	(c) a beer-only restaurant license.

739	(112) "Restaurant venue" means a room within a restaurant that:
740	(a) is located on the licensed premises of a restaurant licensee;
740 741	(b) is separated from the area within the restaurant for a patron's consumption of food
742	by a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not visible to a
742	
	patron in the area within the restaurant for a patron's consumption of food; and
744	(c) (i) has at least 1,000 square feet that:
745	(A) may be reserved for a banquet; and
746	(B) accommodates at least 75 individuals; or
747	(ii) if the restaurant is located in a small or unincorporated locality, has an appropriate
748	amount of space, as determined by the commission, that may be reserved for a banquet.
749	[(111)] (113) "Retail license" means one of the following licenses issued under this
750	title:
751	(a) a full-service restaurant license;
752	(b) a master full-service restaurant license;
753	(c) a limited-service restaurant license;
754	(d) a master limited-service restaurant license;
755	(e) a bar establishment license;
756	(f) an airport lounge license;
757	(g) an on-premise banquet license;
758	(h) an on-premise beer license;
759	(i) a reception center license;
760	(j) a beer-only restaurant license;
761	(k) a hospitality amenity license;
762	(l) a resort license;
763	(m) a hotel license; or
764	(n) an arena license.
765	[(112)] (114) "Room service" means furnishing an alcoholic product to a person in a
766	guest room or privately owned dwelling unit of a:
767	(a) hotel; or
768	(b) resort facility.
769	[(113)] (115) (a) "School" means a building in which any part is used for more than

770	three hours each weekday during a school year as a public or private:
771	(i) elementary school;
772	(ii) secondary school; or
773	(iii) kindergarten.
774	(b) "School" does not include:
775	(i) a nursery school;
776	(ii) a day care center;
777	(iii) a trade and technical school;
778	(iv) a preschool; or
779	(v) a home school.
780	[(114)] (116) "Secondary flavoring ingredient" means any spirituous liquor added to a
781	beverage for additional flavoring that is different in type, flavor, or brand from the primary
782	spirituous liquor in the beverage.
783	[(115)] (117) "Sell" or "offer for sale" means a transaction, exchange, or barter
784	whereby, for consideration, an alcoholic product is either directly or indirectly transferred,
785	solicited, ordered, delivered for value, or by a means or under a pretext is promised or
786	obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise
787	defined in this title or the rules made by the commission.
788	[(116)] (118) "Serve" means to place an alcoholic product before an individual.
789	[(117)] (119) "Sexually oriented entertainer" means a person who while in a state of
790	seminudity appears at or performs:
791	(a) for the entertainment of one or more patrons;
792	(b) on the premises of:
793	(i) a bar licensee; or
794	(ii) a tavern;
795	(c) on behalf of or at the request of the licensee described in Subsection $[(117)(b)]$
796	<u>(120)(b);</u>
797	(d) on a contractual or voluntary basis; and
798	(e) whether or not the person is designated as:
799	(i) an employee;
800	(ii) an independent contractor;

801	(iii) an agent of the licensee; or
802	(iv) a different type of classification.
803	[(118)] (120) "Shared seating area" means the licensed premises of two or more
804	restaurant licensees that the restaurant licensees share as an area for alcoholic beverage
805	consumption in accordance with Subsection 32B-5-207(3).
806	[(119)] (121) "Single event permit" means a permit issued in accordance with Chapter
807	9, Part 3, Single Event Permit.
808	[(120)] (122) "Small brewer" means a brewer who manufactures less than 60,000
809	barrels of beer, heavy beer, and flavored malt beverage per year, as the department calculates
810	by:
811	(a) if the brewer is part of a controlled group of manufacturers, including the combined
812	volume totals of production for all breweries that constitute the controlled group of
813	manufacturers; and
814	(b) excluding beer, heavy beer, or flavored malt beverage the brewer:
815	(i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
816	determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
817	Rulemaking Act; and
818	(ii) does not sell for consumption as, or in, a beverage.
819	[(121)] (123) "Small or unincorporated locality" means:
820	(a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
821	(b) a town, as classified under Section 10-2-301; or
822	(c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
823	under Section 17-50-501.
824	[(122)] (124) "Spa sublicense" means a sublicense:
825	(a) to a resort license or hotel license; and
826	(b) that the commission issues in accordance with Chapter 8d, Part 2, Spa Sublicense.
827	[(123)] (125) "Special use permit" means a permit issued in accordance with Chapter
828	10, Special Use Permit Act.
829	[(124)] (126) (a) "Spirituous liquor" means liquor that is distilled.
830	(b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
831	27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

832	[(125)] (127) "Sports center" is as defined by the commission by rule.
833	[(126)] (128) (a) "Staff" means an individual who engages in activity governed by this
834	title:
835	(i) on behalf of a business, including a package agent, licensee, permittee, or certificate
836	holder;
837	(ii) at the request of the business, including a package agent, licensee, permittee, or
838	certificate holder; or
839	(iii) under the authority of the business, including a package agent, licensee, permittee,
840	or certificate holder.
841	(b) "Staff" includes:
842	(i) an officer;
843	(ii) a director;
844	(iii) an employee;
845	(iv) personnel management;
846	(v) an agent of the licensee, including a managing agent;
847	(vi) an operator; or
848	(vii) a representative.
849	[(127)] <u>(129)</u> "State of nudity" means:
850	(a) the appearance of:
851	(i) the nipple or areola of a female human breast;
852	(ii) a human genital;
853	(iii) a human pubic area; or
854	(iv) a human anus; or
855	(b) a state of dress that fails to opaquely cover:
856	(i) the nipple or areola of a female human breast;
857	(ii) a human genital;
858	(iii) a human pubic area; or
859	(iv) a human anus.
860	[(128)] (130) "State of seminudity" means a state of dress in which opaque clothing
861	covers no more than:
862	(a) the nipple and areola of the female human breast in a shape and color other than the

863	natural shape and color of the nipple and areola; and
864	(b) the human genitals, pubic area, and anus:
865	(i) with no less than the following at its widest point:
866	(A) four inches coverage width in the front of the human body; and
867	(B) five inches coverage width in the back of the human body; and
868	(ii) with coverage that does not taper to less than one inch wide at the narrowest point.
869	[(129)] (131) (a) "State store" means a facility for the sale of packaged liquor:
870	(i) located on premises owned or leased by the state; and
871	(ii) operated by a state employee.
872	(b) "State store" does not include:
873	(i) a package agency;
874	(ii) a licensee; or
875	(iii) a permittee.
876	[(130)] (132) (a) "Storage area" means an area on licensed premises where the licensee
877	stores an alcoholic product.
878	(b) "Store" means to place or maintain in a location an alcoholic product.
879	[(131)] <u>(133)</u> "Sublicense" means:
880	(a) any of the following licenses issued as a subordinate license to, and contingent on
881	the issuance of, a principal license:
882	(i) a full-service restaurant license;
883	(ii) a limited-service restaurant license;
884	(iii) a bar establishment license;
885	(iv) an on-premise banquet license;
886	(v) an on-premise beer retailer license;
887	(vi) a beer-only restaurant license; or
888	(vii) a hospitality amenity license; or
889	(b) a spa sublicense.
890	[(132)] (134) "Supplier" means a person who sells an alcoholic product to the
891	department.
892	[(133)] (135) "Tavern" means an on-premise beer retailer who is:
893	(a) issued a license by the commission in accordance with Chapter 5, Retail License

894	Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and
895	(b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
896	On-Premise Beer Retailer License.
897	[(134)] (136) "Temporary beer event permit" means a permit issued in accordance with
898	Chapter 9, Part 4, Temporary Beer Event Permit.
899	[(135)] (137) "Temporary domicile" means the principal place of abode within Utah of
900	a person who does not have a present intention to continue residency within Utah permanently
901	or indefinitely.
902	[(136)] (138) "Translucent" means a substance that allows light to pass through, but
903	does not allow an object or person to be seen through the substance.
904	[(137)] (139) "Unsaleable liquor merchandise" means a container that:
905	(a) is unsaleable because the container is:
906	(i) unlabeled;
907	(ii) leaky;
908	(iii) damaged;
909	(iv) difficult to open; or
910	(v) partly filled;
911	(b) (i) has faded labels or defective caps or corks;
912	(ii) has contents that are:
913	(A) cloudy;
914	(B) spoiled; or
915	(C) chemically determined to be impure; or
916	(iii) contains:
917	(A) sediment; or
918	(B) a foreign substance; or
919	(c) is otherwise considered by the department as unfit for sale.
920	[(138)] (140) (a) "Wine" means an alcoholic product obtained by the fermentation of
921	the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or
922	not another ingredient is added.
923	(b) "Wine" includes:
924	(i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.

925	4.10; and
926	(ii) hard cider.
927	(c) "Wine" is considered liquor for purposes of this title, except as otherwise provided
928	in this title.
929	[(139)] (141) "Winery manufacturing license" means a license issued in accordance
930	with Chapter 11, Part 3, Winery Manufacturing License.
931	Section 2. Section 32B-1-202 is amended to read:
932	32B-1-202. Proximity to community location.
933	(1) As used in this section:
934	(a) (i) "Outlet" means:
935	(A) a state store;
936	(B) a package agency; or
937	(C) a retail licensee.
938	(ii) "Outlet" does not include:
939	(A) an airport lounge licensee; or
940	(B) a restaurant.
941	(b) "Restaurant" means:
942	(i) a full-service restaurant licensee;
943	(ii) a limited-service restaurant licensee; [or]
944	(iii) a beer-only restaurant licensee[-]; or
945	(iv) a restaurant venue on-premise banquet licensee.
946	(2) (a) Except as otherwise provided in this section or Section 32B-1-202.1, the
947	commission may not issue a license for an outlet if, on the date the commission takes final
948	action to approve or deny the application, there is a community location:
949	(i) within 600 feet of the proposed outlet, as measured from the nearest patron
950	entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to
951	the property boundary of the community location; or
952	(ii) within 200 feet of the proposed outlet, measured in a straight line from the nearest
953	patron entrance of the proposed outlet to the nearest property boundary of the community
954	location.
955	(b) Except as otherwise provided in this section or Section 32B-1-202.1, the

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956 commission may not issue a license for a restaurant if, on the date the commission takes final 957 action to approve or deny the application, there is a community location:

958 (i) within 300 feet of the proposed restaurant, as measured from the nearest patron 959 entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel 960 to the property boundary of the community location; or

961 (ii) within 200 feet of the proposed restaurant, measured in a straight line from the 962 nearest patron entrance of the proposed restaurant to the nearest property boundary of the 963 community location.

964 (3) (a) For an outlet or a restaurant that holds a license on May 9, 2017, and operates 965 under a previously approved variance to one or more proximity requirements in effect before 966 May 9, 2017, subject to the other provisions of this title, that outlet or restaurant, or another 967 outlet or restaurant with the same type of license as that outlet or restaurant, may operate under 968 the previously approved variance regardless of whether:

969

(i) the outlet or restaurant changes ownership;

970

(ii) the property on which the outlet or restaurant is located changes ownership; or

971 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the same 972 type of license, unless during the lapse, the property is used for a different purpose.

973 (b) An outlet or a restaurant that has continuously operated at a location since before 974 January 1, 2007, is considered to have a previously approved variance.

975 (4) An outlet or restaurant that holds a license on May 12, 2020, and operates in 976 accordance with the proximity requirements in effect at the time the commission issued the 977 license or operates under a previously approved variance described in Subsection (3), subject to 978 the other provisions of this title, that outlet or restaurant or an outlet or a restaurant with the 979 same type of license as that outlet or restaurant may operate at the premises regardless of 980 whether:

981

(a) the outlet or restaurant changes ownership;

982 (b) the property on which the outlet or restaurant is located changes ownership; or

983 (c) there is a lapse of one year or less in the use of the property as an outlet or a 984 restaurant with the same type of license, unless during the lapse the property is used for a 985 different purpose.

986

(5) (a) If, after an outlet or a restaurant obtains a license under this title, a person

987	establishes a community location on a property that puts the outlet or restaurant in violation of
988	the proximity requirements in effect at the time the license is issued or a previously approved
989	variance described in Subsection (3), subject to the other provisions of this title, that outlet or
990	restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant,
991	may operate at the premises regardless of whether:
992	(i) the outlet or restaurant changes ownership;
993	(ii) the property on which the outlet or restaurant is located changes ownership; or
994	(iii) there is a lapse in the use of the property as an outlet or a restaurant with the same
995	type of license, unless during the lapse the property is used for a different purpose.
996	(b) The provisions of this Subsection (5) apply regardless of when the outlet's or
997	restaurant's license is issued.
998	(6) Nothing in this section prevents the commission from considering the proximity of
999	an educational, religious, and recreational facility, or any other relevant factor in reaching a
1000	decision on a proposed location of an outlet.
1001	Section 3. Section 32B-1-202.1 is amended to read:
1002	32B-1-202.1. Proximity for certain hotel and arena licensees.
1003	(1) As used in this section, "hotel" means the same as that term is defined in Section
1004	32B-8b-102.
1005	(2) The commission may issue a hotel license for a proposed location that does not
1006	meet the proximity requirements under Section 32B-1-202, if:
1007	(a) the proposed hotel is:
1008	(i) located in a city classified as a city of the first class under Section 10-2-301;
1009	(ii) within $[600]$ <u>650</u> feet of two community locations, as measured from the nearest
1010	patron entrance of the proposed hotel by following the shortest route of ordinary pedestrian
1011	travel to the property boundary of each community location;
1012	(iii) not within 300 feet of a community location, as measured from the nearest patron
1013	entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to
1014	the property boundary of the community location; and
1015	(iv) not within 200 feet of a community location, as measured in a straight line from
1016	the nearest patron entrance of the proposed hotel to the nearest property boundary of the
1017	community location;

1018	(b) the proposed sublicensed premises of a bar establishment sublicense under the hotel
1019	license:
1020	(i) is on the second or higher floor of a hotel;
1021	(ii) is not accessible at street level; and
1022	(iii) is only accessible to an individual who passes through another area of the hotel in
1023	which the bar establishment sublicense is located; and
1024	(c) the applicant meets all other criteria under this title for the hotel license.
1025	(3) The commission may issue authority to operate as a package agency to a hotel
1026	licensee who meets the requirements described in Subsection (2).
1027	(4) (a) The commission may issue an arena license for a proposed location that does
1028	not meet the proximity requirements described in Section 32B-1-202, if, on the day before the
1029	day on which the commission issues the license, each proposed sublicense of the arena license:
1030	(i) operates as an outlet or restaurant; and
1031	(ii) (A) operates on the proposed sublicense premises under a variance to one or more
1032	proximity requirements in accordance with Section 32B-1-202; or
1033	(B) has been in operation on the proposed sublicense premises for at least 10 years.
1034	(b) After the commission issues an arena license in accordance with Subsection (4)(a),
1035	the commission may not issue the arena licensee an additional sublicense.
1036	Section 4. Section 32B-1-206 is amended to read:
1037	32B-1-206. Advertising prohibited Exceptions.
1038	(1) (a) The department may not advertise liquor, except:
1039	(i) the department may provide for an appropriate sign in the window or on the front of
1040	a state store or package agency denoting that it is a state authorized liquor retail facility;
1041	(ii) the department or a package agency may provide a printed price list to the public;
1042	(iii) the department may authorize the use of price posting and floor stacking of liquor
1043	within a state store;
1044	(iv) subject to Subsection (1)(b), the department may provide a listing of the address
1045	and telephone number of a state store in one or more printed or electronic directories available
1046	to the general public; and
1047	(v) subject to Subsection (1)(b), a package agency may provide a listing of its address
1048	and telephone number in one or more printed or electronic directories available to the general

1049	public.
1050	(b) A listing under Subsection $(1)(a)(iv)$ or (v) in the business or yellow pages of a
1051	telephone directory may not be displayed in an advertisement or other promotional format.
1052	(2) (a) The department may not advertise an alcoholic product on a billboard.
1053	(b) A package agency may not advertise an alcoholic product on a billboard, except to
1054	the extent allowed by the commission by rule made in accordance with Title 63G, Chapter 3,
1055	Utah Administrative Rulemaking Act.
1056	(3) (a) The department may not display liquor or a price list in a window or showcase
1057	visible to passersby.
1058	(b) A package agency may not display liquor or a price list in a window or showcase
1059	visible to passersby, except to the extent allowed by the commission by rule made in
1060	accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
1061	(4) A public transit district, as defined in Section <u>17B-2a-802</u> , may not allow
1062	advertising on a transit vehicle, as defined in Section <u>17B-2a-802</u> , that promotes an alcoholic
1063	product.
1064	[(4)] (5) Advertising of an alcoholic product may not:
1065	(a) promote the intoxicating effects of alcohol; or
1066	(b) emphasize the high alcohol content of the alcoholic product.
1067	[(5)] (6) Except to the extent prohibited by this title, the advertising of an alcoholic
1068	product is allowed under guidelines established by the commission by rule.
1069	[(6)] (7) The advertising or use of any means or media to offer an alcoholic product to
1070	the general public without charge is prohibited.
1071	Section 5. Section 32B-1-304 is amended to read:
1072	32B-1-304. Qualifications for a package agency, license, or permit Minors.
1073	(1) (a) Except as provided in Subsection (7), the commission may not issue a package
1074	agency, license, or permit to a person who has been convicted of:
1075	(i) within seven years before the day on which the commission issues the package
1076	agency, license, or permit, a felony under a federal law or state law;
1077	(ii) within four years before the day on which the commission issues the package
1078	agency, license, or permit:
1079	(A) a violation of a federal law, state law, or local ordinance concerning the sale, offer

1080	for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic
1081	product; or
1082	(B) a crime involving moral turpitude; or
1083	(iii) on two or more occasions within the five years before the day on which the
1084	package agency, license, or permit is issued, driving under the influence of alcohol, drugs, or
1085	the combined influence of alcohol and drugs.
1086	(b) If the person is a partnership, corporation, or limited liability company, the
1087	proscription under Subsection (1)(a) applies if any of the following has been convicted of an
1088	offense described in Subsection (1)(a):
1089	(i) a partner;
1090	(ii) a managing agent;
1091	(iii) a manager;
1092	(iv) an officer;
1093	(v) a director;
1094	(vi) a stockholder who holds at least 20% of the total issued and outstanding stock of
1095	the corporation; or
1096	(vii) a member who owns at least 20% of the limited liability company.
1097	(c) Except as provided in Subsection (7), the proscription under Subsection (1)(a)
1098	applies if a person who is employed to act in a supervisory or managerial capacity for a
1099	package agency, licensee, or permittee has been convicted of an offense described in
1100	Subsection (1)(a).
1101	(2) Except as described in Section 32B-8-501, the commission may immediately
1102	suspend or revoke a package agency, license, or permit, and terminate a package agency
1103	agreement, if a person described in Subsection (1):
1104	(a) after the day on which the package agency, license, or permit is issued, is found to
1105	have been convicted of an offense described in Subsection (1)(a) before the package agency,
1106	license, or permit is issued; or
1107	(b) on or after the day on which the package agency, license, or permit is issued:
1108	(i) is convicted of an offense described in Subsection (1)(a)(i) or (ii); or
1109	(ii) (A) is convicted of driving under the influence of alcohol, drugs, or the combined
1110	influence of alcohol and drugs; and

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1111 (B) was convicted of driving under the influence of alcohol, drugs, or the combined 1112 influence of alcohol and drugs within five years before the day on which the person is 1113 convicted of the offense described in Subsection (2)(b)(ii)(A). 1114 (3) Except as described in Section 32B-8-501, the director may take emergency action 1115 by immediately suspending the operation of the package agency, licensee, or permittee for the 1116 period during which a criminal matter is being adjudicated if a person described in Subsection 1117 (1): 1118 (a) is arrested on a charge for an offense described in Subsection (1)(a)(i) or (ii); or 1119 (b) (i) is arrested on a charge for the offense of driving under the influence of alcohol, 1120 drugs, or the combined influence of alcohol and drugs; and 1121 (ii) was convicted of driving under the influence of alcohol, drugs, or the combined 1122 influence of alcohol and drugs within five years before the day on which the person is arrested 1123 on a charge described in Subsection (3)(b)(i). 1124 (4) (a) (i) The commission may not issue a package agency, license, or permit to a 1125 person who has had any type of agency, license, or permit issued under this title revoked within 1126 the last three years. 1127 (ii) The commission may not issue a package agency, license, or permit to a 1128 partnership, corporation, or limited liability company if a partner, managing agent, manager, 1129 officer, director, stockholder who holds at least 20% of the total issued and outstanding stock 1130 of the corporation, or member who owns at least 20% of the limited liability company is or 1131 was: 1132 (A) a partner or managing agent of a partnership that had any type of agency, license, 1133 or permit issued under this title revoked within the last three years; 1134 (B) a managing agent, officer, director, or stockholder who holds or held at least 20% 1135 of the total issued and outstanding stock of any corporation that had any type of agency, 1136 license, or permit issued under this title revoked within the last three years; or 1137 (C) a manager or member who owns or owned at least 20% of a limited liability 1138 company that had any type of agency, license, or permit issued under this title revoked within 1139 the last three years. 1140 (b) The commission may not issue a package agency, [licence] license, or permit to a 1141 partnership, corporation, or limited liability company if any of the following had any type of

1142	agency, license, or permit issued under this title revoked while acting in that person's individual
1143	capacity within the last three years:
1144	(i) a partner or managing agent of a partnership;
1145	(ii) a managing agent, officer, director, or stockholder who holds at least 20% of the
1146	total issued and outstanding stock of a corporation; or
1147	(iii) a manager or member who owns at least 20% of a limited liability company.
1148	(c) The commission may not issue a package agency, license, or permit to a person
1149	acting in an individual capacity if that person was:
1150	(i) a partner or managing agent of a partnership that had any type of agency, license, or
1151	permit issued under this title revoked within the last three years;
1152	(ii) a managing agent, officer, director, or stockholder who held at least 20% of the
1153	total issued and outstanding stock of a corporation that had any type of agency, license, or
1154	permit issued under this title revoked within the last three years; or
1155	(iii) a manager or member who owned at least 20% of the limited liability company
1156	that had any type of agency, license, or permit issued under this title revoked within the last
1157	three years.
1158	(5) (a) The commission may not issue a package agency, license, or permit to a minor.
1159	(b) The commission may not issue a package agency, license, or permit to a
1160	partnership, corporation, or limited liability company if any of the following is a minor:
1161	(i) a partner or managing agent of the partnership;
1162	(ii) a managing agent, officer, director, or stockholder who holds at least 20% of the
1163	total issued and outstanding stock of the corporation; or
1164	(iii) a manager or member who owns at least 20% of the limited liability company.
1165	(c) For purposes of Subsection (5)(b), the commission may not consider a minor's
1166	position with or ownership interest in an entity that has an ownership interest in the entity that
1167	is applying for the package agency, license, or permit unless the minor would exercise direct
1168	decision making control over the package agency, license, or permit.
1169	(6) Except as described in Section 32B-8-501, if a package agent, licensee, or permittee
1170	no longer possesses the qualifications required by this title for obtaining a package agency,
1171	license, or permit, the commission may terminate the package agency agreement, or revoke the
1172	license or permit.

1173	(7) (a) If the licensee is a resort licensee:
1174	(i) Subsection (1)(a) only applies if an individual listed in Subsection (1)(b) engages in
1175	the management of the resort, as the commission defines in rule; and
1176	(ii) Subsection (1)(c) only applies to an individual employed to act in a supervisory or
1177	managerial capacity for the resort licensee or in relation to a sublicense of the resort license.
1178	(b) If the permittee is a public service permittee under Chapter 10, Special Use Permit
1179	Act:
1180	(i) Subsection (1)(a) only applies if an individual listed in Subsection (1)(b) engages in
1181	the management of the airline, railroad, or other public conveyance, as the commission defines
1182	in rule; and
1183	(ii) Subsection (1)(c) only applies to an individual employed to act in a supervisory or
1184	managerial capacity for the public service permittee.
1185	Section 6. Section 32B-1-603 is amended to read:
1186	32B-1-603. Power of the commission and department to classify flavored malt
1187	beverages.
1188	(1) The commission and department shall regulate a flavored malt beverage as liquor.
1189	(2) (a) The department shall make available to the public on the Internet a list of the
1190	flavored malt beverages authorized to be sold in this state as liquor.
1191	(b) The list described in Subsection (2)(a) shall be updated at least quarterly.
1192	(3) (a) A manufacturer shall file, under penalty of perjury, a report with the department
1193	listing each flavored malt beverage manufactured by the manufacturer that the manufacturer
1194	wants to distribute in this state subject to the manufacturer holding:
1195	(i) a brewery manufacturing license issued in accordance with Chapter 11, Part 5,
1196	Brewery Manufacturing License; or
1197	(ii) a certificate of approval.
1198	(b) A manufacturer may not distribute or sell in this state a flavored malt beverage if
1199	the manufacturer does not list the flavored malt beverage in a filing with the department in
1200	accordance with this Subsection (3) before distributing or selling the flavored malt beverage.
1201	(4) The department may require a manufacturer of a flavored malt beverage to provide
1202	the department with a copy of the following filed with the federal Alcohol and Tobacco Tax
1203	and Trade Bureau, pursuant to 27 C.F.R. Sec. 25.55:

1204	(a) a statement of process; or
1205	(b) a formula.
1206	(5) (a) A manufacturer of an alcoholic product that the department is classifying or
1207	proposes to classify as a flavored malt beverage may submit evidence to the department that the
1208	manufacturer's alcoholic product should not be treated as [Hiquor] a flavored malt beverage
1209	under this section because [no formula for the alcoholic product is required to be filed for a
1210	reason described in:] the alcoholic product is beer or heavy beer.
1211	[(i) Subsection 32B-1-102(43)(a)(ii), as shown by a determination issued by the federal
1212	Alcohol and Tobacco Tax and Trade Bureau; or]
1213	[(ii) Subsection 32B-1-102(43)(a)(iii).]
1214	(b) The department shall review the evidence submitted by the manufacturer under this
1215	Subsection (5).
1216	(c) The department shall make available to the public on the Internet a list of the
1217	alcoholic products authorized under this Subsection (5) to be sold as beer in this state.
1218	(d) A decision of the department under this Subsection (5) may be appealed to the
1219	commission.
1212	
1220	Section 7. Section 32B-1-603.5 is enacted to read:
1220	Section 7. Section 32B-1-603.5 is enacted to read:
1220 1221	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5.</u> Requirements for beer flavorings Procedure for approval
1220 1221 1222	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5.</u> Requirements for beer flavorings Procedure for approval Department review.
1220 1221 1222 1223	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5.</u> Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or
1220 1221 1222 1223 1224	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5.</u> Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection <u>32B-1-102(11)(b)(iii)</u> may not sell or
 1220 1221 1222 1223 1224 1225 	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5.</u> Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection <u>32B-1-102(11)(b)(iii)</u> may not sell or distribute the beer in the state unless the manufacturer obtains:
 1220 1221 1222 1223 1224 1225 1226 	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5.</u> Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection <u>32B-1-102(11)(b)(iii)</u> may not sell or distribute the beer in the state unless the manufacturer obtains: (a) the department's approval to sell or distribute the beer under this section; and
 1220 1221 1222 1223 1224 1225 1226 1227 	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5</u> . Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection <u>32B-1-102(11)(b)(iii)</u> may not sell or distribute the beer in the state unless the manufacturer obtains: (a) the department's approval to sell or distribute the beer under this section; and (b) the department's approval of the label and packaging of the beer under Sections
1220 1221 1222 1223 1224 1225 1226 1227 1228	Section 7. Section 32B-1-603.5 is enacted to read: 32B-1-603.5. Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection 32B-1-102(11)(b)(iii) may not sell or distribute the beer in the state unless the manufacturer obtains: (a) the department's approval to sell or distribute the beer under this section; and (b) the department's approval of the label and packaging of the beer under Sections 32B-1-604 through 32B-1-606.
1220 1221 1222 1223 1224 1225 1226 1227 1228 1229	Section 7. Section 32B-1-603.5 is enacted to read: 32B-1-603.5. Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection 32B-1-102(11)(b)(iii) may not sell or distribute the beer in the state unless the manufacturer obtains: (a) the department's approval to sell or distribute the beer under this section; and (b) the department's approval of the label and packaging of the beer under Sections 32B-1-604 through 32B-1-606. (2) (a) To obtain approval to sell or distribute a beer that contains a propylene glycol-,
 1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 	Section 7. Section 32B-1-603.5 is enacted to read: 32B-1-603.5. Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection 32B-1-102(11)(b)(iii) may not sell or distribute the beer in the state unless the manufacturer obtains: (a) the department's approval to sell or distribute the beer under this section; and (b) the department's approval of the label and packaging of the beer under Sections 32B-1-604 through 32B-1-606. (2) (a) To obtain approval to sell or distribute a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection
1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231	Section 7. Section 32B-1-603.5 is enacted to read: <u>32B-1-603.5</u> . Requirements for beer flavorings Procedure for approval Department review. (1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection <u>32B-1-102(11)(b)(iii)</u> may not sell or distribute the beer in the state unless the manufacturer obtains: (a) the department's approval to sell or distribute the beer under this section; and (b) the department's approval of the label and packaging of the beer under Sections <u>32B-1-604 through 32B-1-606.</u> (2) (a) To obtain approval to sell or distribute a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection <u>32B-1-102(11)(b)(iii)</u> , the manufacturer of the beer shall submit an application to the

1235	(A) the statement of process and formula filed with the federal Alcohol and Tobacco
1236	Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 for the beer; and
1237	(B) the formula approval from the federal Alcohol and Tobacco Tax and Trade Bureau
1238	for the beer;
1239	(ii) a complete list of each propylene glycol-, ethyl alcohol-, or ethanol-based flavoring
1240	agent in the beer;
1241	(iii) a description of the total amount of alcohol each propylene glycol-, ethyl alcohol-,
1242	or ethanol-based flavoring agent contributes to the beer; and
1243	(iv) other information required by the department to determine whether the beer
1244	complies with Subsection <u>32B-1-102(11)(b)(iii)</u> .
1245	(3) The department may:
1246	(a) assess a fee established under Section 63J-1-504 for reviewing an application for
1247	approval under this section; and
1248	(b) approve a manufacturer's application to sell or distribute a beer that contains a
1249	propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent after determining that the
1250	beer complies with Subsection 32B-1-102(11)(b)(iii).
1251	(4) If a manufacturer of a beer revises the formula for the beer that the department
1252	approved for sale or distribution, the manufacturer shall obtain the department's approval for
1253	the revised formula before selling or distributing the beer.
1254	(5) (a) The department may revoke a previous approval under this section upon
1255	determining that the beer is not in compliance with this title or the rules of the commission.
1256	(b) The department shall notify the manufacturer that applied for an approval under
1257	this section at least 30 business days before the day on which the approval is revoked.
1258	(c) Within 20 business days after the day on which a manufacturer receives the notice
1259	under Subsection (5)(b), the manufacturer may present a written argument or evidence to the
1260	department regarding why the revocation should not occur.
1261	(6) (a) A manufacturer that applies for approval under this section may appeal a denial
1262	or revocation of the approval to the commission.
1263	(b) During the period in which a manufacturer appeals a denial or revocation to the
1264	commission under Subsection (6)(a), the denial or revocation remains in force.
1265	(7) (a) Before July 1, 2024, the department shall review each beer that is sold or

1266	distributed in this state to determine whether the beer complies with Subsection <u>32B-1-102(11)</u>
1267	and this part.
1268	(b) Before November 30, 2024, the department shall provide a report to the Business
1269	and Labor Interim Committee regarding:
1270	(i) the process used to conduct the review;
1271	(ii) the results of the review; and
1272	(iii) any recommendations for legislation based on the results.
1273	Section 8. Section 32B-1-606 is amended to read:
1274	32B-1-606. Special procedure for approval of labeling and packaging for certain
1275	malted beverages.
1276	(1) A manufacturer of a malted beverage may not distribute or sell the malted beverage
1277	in the state until the day on which the manufacturer receives approval of the labeling and
1278	packaging of the malted beverage from the department in accordance with :
1279	(a) Sections 32B-1-604 and 32B-1-605; and
1280	(b) this section, if the malted beverage is labeled or packaged in a manner that is:
1281	(i) similar to a label or packaging used for a nonalcoholic beverage; or
1282	(ii) likely to confuse or mislead a patron to believe the malted beverage is a
1283	nonalcoholic beverage.
1284	(2) The department may not approve the labeling and packaging of a malted beverage
1285	described in Subsection (1) unless, in addition to the requirements of Section 32B-1-604, the
1286	labeling and packaging complies with the following:
1287	(a) the front of the label on the malted beverage bears a prominently displayed label or
1288	a firmly affixed sticker that provides the following information in a font that measures at least
1289	three millimeters high and is in obvious and clearly visible contrast to the background of the
1290	text:
1291	(i) the statement:
1292	(A) "alcoholic beverage"; or
1293	(B) "contains alcohol"; and
1294	(ii) the alcohol content of the malted beverage, if the alcohol content is not otherwise
1295	provided:
1296	(A) in a serving facts statement on the container; and

1297	(B) in a format allowed by the Federal Alcohol and Tobacco Tax Trade Bureau;
1298	(b) the packaging of the malted beverage prominently includes, either imprinted on the
1299	packaging or imprinted on a sticker firmly affixed to the packaging in a font that measures at
1300	least three millimeters high and is in obvious and clearly visible contrast to the background of
1301	the text, the statement:
1302	(i) "alcoholic beverage"; or
1303	(ii) "contains alcohol";
1304	(c) a statement required [by] <u>under</u> Subsection (2)(a) or (b) appears in a format
1305	required [by] under rule made by the commission in accordance with Title 63G, Chapter 3,
1306	Utah Administrative Rulemaking Act; and
1307	(d) a statement of alcohol content required [by] <u>under</u> Subsection (2)(a)(ii):
1308	(i) states the alcohol content as a percentage of alcohol by volume or by weight; and
1309	(ii) is in a format required [by] <u>under</u> rule made by the commission <u>in accordance with</u>
1310	Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
1311	(3) The department:
1312	(a) may reject a label or packaging for a malted beverage that appears designed to
1313	obscure the information required [by] under Subsection (2)[-]; and
1314	(b) shall reject a label or packaging for a malted beverage to be sold by an off-premise
1315	beer retailer if the label or packaging for the malted beverage complies with Subsection (2) but
1316	remains so similar to a label or packaging used on a well-known or widely available
1317	nonalcoholic beverage that the label or packaging for the malted beverage is likely to confuse
1318	or mislead a patron to believe the malted beverage is a nonalcoholic beverage.
1319	(4) To determine whether a malted beverage is described in Subsection (1) and subject
1320	to this section, the department may consider in addition to other factors one or more of the
1321	following factors:
1322	(a) whether the coloring, carbonation, and packaging of the malted beverage:
1323	(i) is similar to those of a nonalcoholic beverage or product; or
1324	(ii) can be confused with a nonalcoholic beverage;
1325	(b) whether the malted beverage possesses a character and flavor distinctive from a
1326	traditional malted beverage;
1327	(c) whether the malted beverage:

1328	(i) is prepackaged;
1329	(ii) contains high levels of caffeine and other additives; and
1330	(iii) is marketed as a beverage that is specifically designed to provide energy;
1331	(d) whether the malted beverage contains added sweetener or sugar substitutes; or
1332	(e) whether the malted beverage contains an added fruit flavor or other flavor that
1333	masks the taste of a traditional malted beverage.
1334	Section 9. Section 32B-1-608 is amended to read:
1335	32B-1-608. Disciplinary proceeding for violation.
1336	A person who violates this part:
1337	(1) is subject to a disciplinary proceeding under Chapter 3, Disciplinary Actions and
1338	Enforcement Act[-]; and
1339	(2) may be subject to penalties under Chapter 4, Criminal Offenses and Procedure Act.
1340	Section 10. Section 32B-1-703 is amended to read:
1341	32B-1-703. Alcohol training and education for off-premise consumption.
1342	(1) (a) A local authority that issues an off-premise beer retailer license to a business to
1343	sell beer at retail for off-premise consumption shall require the following to have a valid record
1344	that the individual completed an alcohol training and education seminar in the time periods
1345	required by Subsection (1)(b):
1346	(i) an off-premise retail manager; or
1347	(ii) off-premise retail staff.
1348	(b) If an individual on the date the individual becomes staff to an off-premise beer
1349	retailer does not have a valid record that the individual has completed an alcohol training and
1350	education seminar for purposes of this part, the individual shall complete an alcohol training
1351	and education seminar [within 30 days of] in accordance with Section 62A-15-401 before the
1352	day on which the individual [becomes] begins work as staff of an off-premise beer retailer.
1353	(c) An off-premise beer retailer may not permit an individual who is not in compliance
1354	with Subsection (1)(b) to:
1355	(i) directly supervise the sale of beer to a customer for consumption off the premises of
1356	the off-premise beer retailer; or
1357	(ii) sell beer to a customer for consumption off the premises of the off-premise beer
1358	retailer.

1359	[(c) Section 62A-15-401 governs the validity of a record that an individual has
1360	completed an alcohol training and education seminar required by this part.]
1361	(2) A licensee that violates this section is subject to Section <u>32B-1-702</u> .
1362	[(2) In accordance with Section 32B-1-702, a local authority may immediately suspend
1363	the license of an off-premise beer retailer that allows an individual to work as an off-premise
1364	retail manager without having a valid record that the individual completed an alcohol training
1365	and education seminar in accordance with Subsection (1).]
1366	Section 11. Section 32B-1-705 is amended to read:
1367	32B-1-705. Tracking certain enforcement actions.
1368	(1) For each violation of a provision of this title involving the sale of an alcoholic
1369	product to a minor that staff of a retail licensee or off-premise beer retailer commits, the
1370	commission shall:
1371	(a) maintain a record of the violation until the record is expunged in accordance with
1372	Subsection (3);
1373	(b) include in the record described in Subsection (1)(a):
1374	(i) the name of the individual who committed the violation;
1375	(ii) the name of the retail licensee or off-premise beer retailer; and
1376	(iii) the date of the adjudication of the violation; and
1377	(c) provide the information described in Subsection (1)(b) to the Department of Public
1378	Safety within 30 days after the day on which the violation is adjudicated.
1379	(2) (a) The Department of Public Safety shall develop and operate a system to collect,
1380	analyze, maintain, track, and disseminate the information that the Department of Public Safety
1381	receives in accordance with Subsection (1).
1382	(b) The Department of Public Safety shall make the system described in Subsection
1383	(2)(a) available to:
1384	(i) assist the commission in assessing penalties under this title; and
1385	(ii) inform a retail licensee or off-premise beer retailer of an individual who has a
1386	violation history in the system.
1387	(3) The commission and the Department of Public Safety shall expunge each record in
1388	the system described in Subsection (2) that relates to an individual if the individual does not
1389	violate a provision of this title related to the sale of an alcoholic product to a minor for a period

1390	of 36 consecutive months from the day on which the individual's last violation related to the
1390	sale of an alcoholic product to a minor was adjudicated.
1392	Section 12. Section 32B-2-202 is amended to read:
1392	32B-2-202. Powers and duties of the commission.
1394	(1) The commission shall:
1395	(a) consistent with the policy established by the Legislature by statute, act as a general
1396	policymaking body on the subject of alcoholic product control;
1397	(b) adopt and issue policies, rules, and procedures;
1398	(c) set policy by written rules that establish criteria and procedures for:
1399	(i) issuing, denying, not renewing, suspending, or revoking a package agency, license,
1400	permit, or certificate of approval; and
1401	(ii) determining the location of a state store, package agency, or retail licensee;
1402	(d) decide within the limits, and under the conditions imposed by this title, the number
1403	and location of state stores, package agencies, and retail licensees in the state;
1404	(e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
1405	sublicenses, permits, or certificates of approval for the purchase, storage, sale, offer for sale,
1406	furnishing, consumption, manufacture, and distribution of an alcoholic product:
1407	(i) a package agency;
1408	(ii) a full-service restaurant license;
1409	(iii) a master full-service restaurant license;
1410	(iv) a limited-service restaurant license;
1411	(v) a master limited-service restaurant license;
1412	(vi) a bar establishment license;
1413	(vii) an airport lounge license;
1414	(viii) an on-premise banquet license;
1415	(ix) a resort license, which includes four or more sublicenses;
1416	(x) an on-premise beer retailer license;
1417	(xi) a reception center license;
1418	(xii) a beer-only restaurant license;
1419	(xiii) a hotel license, which includes three or more sublicenses;
1420	(xiv) an arena license, which includes three or more sublicenses;

1421	(xv) a hospitality amenity license;
1422	(xvi) subject to Subsection (5), a single event permit;
1423	(xvii) subject to Subsection (5), a temporary beer event permit;
1424	(xviii) a special use permit;
1425	(xix) a manufacturing license;
1426	(xx) a liquor warehousing license;
1427	(xxi) a beer wholesaling license;
1428	(xxii) a liquor transport license;
1429	(xxiii) an off-premise beer retailer state license;
1430	(xxiv) a master off-premise beer retailer state license;
1431	(xxv) one of the following that holds a certificate of approval:
1432	(A) an out-of-state brewer;
1433	(B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
1434	(C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; and
1435	(xxvi) a spa sublicense;
1436	(f) issue, deny, suspend, or revoke the following conditional licenses:
1437	(i) a conditional retail license as defined in Section 32B-5-205; and
1438	(ii) a conditional off-premise beer retailer state license as defined in Section
1439	32B-7-406;
1440	(g) prescribe the duties of the department in assisting the commission in issuing a
1441	package agency, license, permit, or certificate of approval under this title;
1442	(h) to the extent a fee is not specified in this title, establish a fee allowed under this title
1443	in accordance with Section 63J-1-504;
1444	(i) fix prices at which liquor is sold that are the same at all state stores, package
1445	agencies, and retail licensees;
1446	(j) issue and distribute price lists showing the price to be paid by a purchaser for each
1447	class, variety, or brand of liquor kept for sale by the department;
1448	(k) (i) require the director to follow sound management principles; and
1449	(ii) require periodic reporting from the director to ensure that:
1450	(A) sound management principles are being followed; and
1451	(B) policies established by the commission are being observed;

1452	(l) (i) receive, consider, and act in a timely manner upon the reports, recommendations,
1453	and matters submitted by the director to the commission; and
1454	(ii) do the things necessary to support the department in properly performing the
1455	department's duties;
1456	(m) obtain temporarily and for special purposes the services of an expert or person
1457	engaged in the practice of a profession, or a person who possesses a needed skill if:
1458	(i) considered expedient; and
1459	(ii) approved by the governor;
1460	(n) prescribe by rule the conduct, management, and equipment of premises upon which
1461	an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
1462	(o) make rules governing the credit terms of beer sales within the state to retail
1463	licensees; and
1464	(p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
1465	disciplinary action against a person subject to administrative action.
1466	(2) Consistent with the policy established by the Legislature by statute, the power of
1467	the commission to do the following is plenary, except as otherwise provided by this title, and
1468	not subject to review:
1469	(a) establish a state store;
1470	(b) issue authority to act as a package agent or operate a package agency; and
1471	(c) issue, deny, or deem forfeit a license, permit, or certificate of approval.
1472	(3) (a) Subject to [Subsection] Subsections (3)(b) and (c), the commission may[:]
1473	[(i)] make rules permitting and establishing the parameters of a late license renewal[;
1474	and].
1475	[(ii) establish a fee, in accordance with Section 63J-1-504, for a late license renewal.]
1476	(b) The commission may not allow for the late renewal of a license after the later of:
1477	(i) the tenth day of the month after the month in which the license type is required to be
1478	renewed; or
1479	(ii) if the tenth day of the month after the month in which the license type is required to
1480	be renewed falls on a Saturday, Sunday, or state or federal holiday, the first business day after
1481	the Saturday, Sunday, or holiday.
1482	(c) The fee for a late license renewal is \$300.

1483	(4) If the commission is authorized or required to make a rule under this title, the
1484	commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative
1485	Rulemaking Act.
1486	(5) Notwithstanding Subsections (1)(e)(xvi) and (xvii), the director or deputy director
1487	may issue an event permit in accordance with Chapter 9, Event Permit Act.
1488	Section 13. Section 32B-2-303 is amended to read:
1489	32B-2-303. Purchase of liquor.
1490	[(1) The]
1491	(1) [department may not purchase or stock spirituous liquor in a container smaller than
1492	200 milliliters, except as otherwise allowed by the commission.] The department may only:
1493	(a) purchase or stock spirituous liquor in a container smaller than 200 milliliters for the
1494	purpose of furnishing the spirituous liquor to a public service permittee issued a permit under
1495	Chapter 10, Part 3, Public Service Permit; and
1496	(b) furnish spirituous liquor in a container smaller than 200 milliliters to a public
1497	service permittee issued a permit under Chapter 10, Part 3, Public Service Permit.
1498	(2) (a) An order by the department for the purchase of liquor, or a cancellation by the
1499	department of an order of liquor:
1500	(i) shall be executed in writing by the department; and
1501	(ii) is not valid or binding unless executed in writing.
1502	(b) The department shall maintain a copy of an order or cancellation on file for at least
1503	three years.
1504	(c) An electronic record satisfies Subsections (2)(a) and (b) pursuant to Title 46,
1505	Chapter 4, Uniform Electronic Transactions Act.
1506	Section 14. Section 32B-4-202 is amended to read:
1507	32B-4-202. Duties to enforce this title.
1508	[(1)] It is the duty of the following to diligently enforce this title in their respective
1509	capacities:
1510	$\left[\frac{(a)}{(1)}\right]$ the governor;
1511	$\left[\frac{\text{(b)}}{2}\right]$ a commissioner;
1512	$\left[\frac{(c)}{3}\right]$ the director;
1513	$\left[\frac{(d)}{(d)}\right]$ an official, inspector, or department employee;

[(e)] (5) a prosecuting official of the state or its political subdivisions: 1514 1515 $\left[\frac{1}{100}\right]$ (6) a county, city, town, or metro township; 1516 $\left[\frac{1}{2}\right]$ (7) a peace officer, sheriff, deputy sheriff, constable, marshal, or law enforcement 1517 official; 1518 $\left[\frac{h}{2}\right]$ (8) a state health official; and 1519 $\left[\frac{(i)}{(i)}\right]$ (9) a clerk of the court. 1520 [(2) Immediately upon conviction of a person for violation of this title or of a local 1521 ordinance relating to an alcoholic product, it is the duty of the clerk of the court to notify the 1522 department of the conviction in writing on forms supplied by the department.] 1523 Section 15. Section **32B-4-418** is amended to read: 1524 32B-4-418. Unlawful storage. 1525 It is unlawful for a person to store: (1) liquor on premises for which the person is authorized to sell beer for on-premise 1526 1527 consumption, but for which the person is not licensed under this title to sell liquor[-]; or 1528 (2) an alcoholic beverage for sale on premises for which the person is not licensed or 1529 otherwise authorized under this title to sell the alcoholic beverage. 1530 Section 16. Section 32B-5-304 is amended to read: 1531 32B-5-304. Portions in which alcoholic product may be sold. 1532 (1) (a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a 1533 primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage 1534 dispensed through a calibrated metered dispensing system approved by the department in 1535 accordance with commission rules adopted under this title. 1536 (b) A retail license is not required to dispense spirituous liquor through a calibrated 1537 metered dispensing system if the spirituous liquor is: (i) a secondary flavoring ingredient; 1538 1539 (ii) used as a flavoring on a dessert; or 1540 (iii) used to set aflame a food dish, drink, or dessert. 1541 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring 1542 ingredient shall: 1543 (i) designate a location where the retail licensee stores secondary flavoring ingredients 1544 on the floor plan the retail licensee submits to the department; and

1545	(ii) clearly and conspicuously label each secondary flavoring ingredient's container
1546	"flavorings".
1547	(d) A patron may have no more than 2.5 ounces of spirituous liquor at a time.
1548	(2) (a) (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
1549	individual portion that does not exceed 5 ounces per glass or individual portion.
1550	(ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to
1551	a patron in more than one glass if the total amount of wine does not exceed 5 ounces.
1552	(b) (i) A retail licensee may sell, offer for sale, or furnish wine in a container not
1553	exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.
1554	(ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to
1555	exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.
1556	[(3)] (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for
1557	sale, or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed
1558	container not to exceed 16 ounces.
1559	(3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original
1560	container at a price fixed by the commission, except that the original container may not exceed
1561	one liter.
1562	(4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
1563	original container at a price fixed by the commission, except that the original container may not
1564	exceed one liter.
1565	(5) (a) (i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or
1566	furnish beer for on-premise consumption:
1567	(A) in an open original container; and
1568	(B) in a container on draft.
1569	(ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection
1570	(5)(a)(i):
1571	(A) in a size of container that exceeds two liters; or
1572	(B) to an individual patron in a size of container that exceeds one liter.
1573	(b) A retail licensee may sell, offer for sale, or furnish beer for off-premise
1574	consumption:
1575	(i) in a sealed container; and

1576	(ii) in a size of container that does not exceed two liters.
1577	(c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual
1578	patron if the total amount of beer does not exceed 16 ounces.
1579	Section 17. Section 32B-5-309 is amended to read:
1580	32B-5-309. Ceasing operation.
1581	(1) Except as provided in Subsection (8), a retail licensee may not close or cease
1582	operation for a period longer than 240 hours, unless:
1583	(a) the retail licensee notifies the department in writing at least seven days before the
1584	day on which the retail licensee closes or ceases operation; and
1585	(b) the closure or cessation of operation is first approved by the department.
1586	(2) Notwithstanding Subsection (1), in the case of emergency closure, a retail licensee
1587	shall immediately notify the department by telephone.
1588	(3) (a) The department may authorize an initial closure or cessation of operation of a
1589	retail licensee for a period not to exceed 60 days.
1590	(b) Upon written request of the retail licensee and a showing of good cause, the
1591	department may extend the initial period described in Subsection (3)(a) for a period not to
1592	exceed the greater of:
1593	(i) 30 days; or
1594	(ii) the number of days until the day on which the commission holds the commission's
1595	next regularly scheduled meeting.
1596	(4) A closure or cessation of operation may not exceed the time limits described in
1597	Subsection (3) without commission approval.
1598	(5) A notice required under this section shall include:
1599	(a) the dates of closure or cessation of operation;
1600	(b) the reason for the closure or cessation of operation; and
1601	(c) the date on which the retail licensee will reopen or resume operation.
1602	(6) [Failure of] If a retail licensee fails to provide notice and to obtain department
1603	approval before closure or cessation of operation [results in an automatic forfeiture of], the
1604	commission may:
1605	(a) suspend, revoke, or deem forfeited the retail license; [and] or
1606	(b) <u>deem</u> the unused portion of the retail license fee for the remainder of the retail

1607	license year [effective immediately] forfeited.
1608	(7) [Failure of] If a retail licensee fails to reopen or resume operation by the [approved
1609	date results in an automatic forfeiture of] date approved under Subsections (3) and (4), the
1610	commission may:
1611	(a) <u>suspend, revoke, or deem forfeited</u> the retail license; [and] <u>or</u>
1612	(b) <u>deem</u> the unused portion of the retail license fee for the remainder of the retail
1613	license year <u>forfeited</u> .
1614	(8) This section does not apply to:
1615	(a) an on-premise beer retailer who is not a tavern;
1616	(b) an airport lounge licensee; or
1617	(c) a hospitality amenity licensee.
1618	(9) For purposes of this section, the department may not base a determination that a
1619	retail licensee has ceased operation solely upon the retail licensee's lack of sales.
1620	Section 18. Section 32B-6-203 is amended to read:
1621	32B-6-203. Commission's power to issue full-service restaurant license.
1622	(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
1623	an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a
1624	full-service restaurant license from the commission in accordance with this part.
1625	(2) The commission may issue a full-service restaurant license to establish full-service
1626	restaurant licensed premises at places and in numbers the commission considers proper for the
1627	storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises
1628	operated as a full-service restaurant.
1629	(3) Subject to Section 32B-1-201:
1630	(a) [The] the commission may not issue a total number of full-service restaurant
1631	licenses that at any time exceeds the [number] sum of:
1632	<u>(i) 30; and</u>
1633	(ii) the number determined by dividing the population of the state by 4,467[-];
1634	(b) [The] the commission may issue a seasonal full-service restaurant license in
1635	accordance with Section 32B-5-206[-]; and
1636	(c) (i) [H] if the location, design, and construction of a hotel may require more than one
1637	full-service restaurant sales location within the hotel to serve the public convenience, the

1638	commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as
1639	many as three full-service restaurant locations within the hotel under one full-service restaurant
1640	license if:
1641	(A) the hotel has a minimum of 150 guest rooms; and
1642	(B) the locations under the full-service restaurant license are:
1643	(I) within the same hotel; and
1644	(II) on premises that are managed or operated, and owned or leased, by the full-service
1645	restaurant licensee[-]; and
1646	(ii) [A] except for a hotel, a facility [other than a hotel] shall have a separate
1647	full-service restaurant license for each full-service restaurant where an alcoholic product is
1648	sold, offered for sale, or furnished.
1649	(4) Except as otherwise provided in Section 32B-1-202, the commission may not issue
1650	a full-service restaurant license for premises that do not meet the proximity requirements of
1651	Subsection 32B-1-202(2).
1652	(5) To be licensed as a full-service restaurant, a person shall maintain at least 70% of
1653	the restaurant's gross revenues from the sale of food, which does not include:
1654	(a) mix for an alcoholic product; or
1655	(b) a service charge.
1656	Section 19. Section 32B-6-205.2 is amended to read:
1657	32B-6-205.2. Specific operational requirements for a full-service restaurant
1658	license On and after July 1, 2018, or July 1, 2022.
1659	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1660	Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
1661	shall comply with this section.
1662	(b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1663	accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
1664	(i) a full-service restaurant licensee;
1665	(ii) individual staff of a full-service restaurant licensee; or
1666	(iii) both a full-service restaurant licensee and staff of the full-service restaurant
1667	licensee.
1668	(2) (a) An individual who serves an alcoholic product in a full-service restaurant

1669	licensee's premises shall make a beverage tab for each table or group that orders or consumes
1670	an alcoholic product on the premises.
1671	(b) A beverage tab described in this Subsection (2) shall state the type and amount of
1672	each alcoholic product ordered or consumed.
1673	(3) A full-service restaurant licensee may not make an individual's willingness to serve
1674	an alcoholic product a condition of employment with a full-service restaurant licensee.
1675	(4) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
1676	licensed premises during the following time periods only:
1677	(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
1678	(ii) on a weekend or a state or federal legal holiday or for a private event, during the
1679	period that begins at 10:30 a.m. and ends at 11:59 p.m.
1680	(b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
1681	licensed premises during the following time periods only:
1682	(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
1683	(ii) on a weekend or a state or federal legal holiday or for a private event, during the
1684	period that begins at 10:30 a.m. and ends at 12:59 a.m.
1685	(5) (a) A full-service restaurant licensee may not furnish an alcoholic product for
1686	on-premise consumption except after:
1687	(i) the patron to whom the full-service restaurant licensee furnishes the alcoholic
1688	product is seated at:
1689	(A) a table that is located in a dining area or a dispensing area;
1690	(B) a counter that is located in a dining area or a dispensing area; or
1691	(C) a dispensing structure that is located in a dispensing area; and
1692	(ii) the full-service restaurant licensee confirms that the patron intends to:
1693	(A) order food prepared, sold, and furnished at the licensed premises; and
1694	(B) except as provided in Subsection (5)(b), consume the food at the same location
1695	where the patron is seated and furnished the alcoholic product.
1696	(b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1697	full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or
1698	furnish to the patron one drink that contains a single portion of an alcoholic product as
1699	described in Section 32B-5-304 if:

1700	(A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1701	structure; and
1702	(B) the full-service restaurant licensee first confirms that after the patron is seated in
1703	the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1704	premises.
1705	[(ii) If]
1706	(ii) (A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's
1707	alcoholic product before moving to a seat in the dining area, [an employee of the full-service
1708	restaurant licensee who is qualified to sell and serve an alcoholic product under Section
1709	32B-5-306 shall] the patron may transport any unfinished portion of the patron's alcoholic
1710	product to the patron's seat in the dining area.
1711	(B) An employee of the full-service restaurant licensee shall escort a patron who
1712	transports an unfinished portion of the patron's alcoholic product to the patron's seat in the
1713	dining area.
1714	(iii) For purposes of Subsection (5)(b)(i) a single portion of wine is five ounces or less.
1715	(c) Notwithstanding Section 32B-5-307, a full-service restaurant licensee may not
1716	furnish beer for off-premise consumption except after the patron consumes on the licensed
1717	premises food prepared, sold, and furnished at the licensed premises.
1718	(d) A full-service restaurant licensee shall maintain on the licensed premises adequate
1719	culinary facilities for food preparation and dining accommodations.
1720	(6) A patron may consume an alcoholic product on the full-service restaurant licensee's
1721	licensed premises only if the patron is seated at:
1722	(a) a table that is located in a dining area or dispensing area;
1723	(b) a counter that is located in a dining area or dispensing area; or
1724	(c) a dispensing structure located in a dispensing area.
1725	(7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
1726	more than two alcoholic products of any kind at a time before the patron.
1727	(b) A patron may not have more than one spirituous liquor drink at a time before the
1728	patron.
1729	(c) An individual portion of wine is considered to be one alcoholic product under
1730	Subsection (7)(a).

1731	(8) In accordance with the provisions of this section, an individual who is at least 21
1732	years old may consume food and beverages in a dispensing area.
1733	(9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or
1734	consume food or beverages in a dispensing area.
1735	(b) (i) A minor may be in a dispensing area if the minor is:
1736	(A) at least 16 years old and working as an employee of the full-service restaurant
1737	licensee; or
1738	(B) performing maintenance and cleaning services as an employee of the full-service
1739	restaurant licensee when the full-service restaurant licensee is not open for business.
1740	(ii) If there is no alternative route available, a minor may momentarily pass through a
1741	dispensing area without remaining or sitting in the dispensing area en route to an area of the
1742	full-service restaurant licensee's premises in which the minor is permitted to be.
1743	(10) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee
1744	may dispense an alcoholic product only if:
1745	(a) the alcoholic product is dispensed from:
1746	(i) a dispensing structure that is located in a dispensing area;
1747	(ii) an area that is:
1748	(A) separated from an area for the consumption of food by a patron by a solid,
1749	translucent, permanent structural barrier such that the facilities for the dispensing of an
1750	alcoholic product are not readily visible to a patron and not accessible by a patron; and
1751	(B) apart from an area used for dining, for staging, or as a waiting area; or
1752	(iii) the premises of a bar licensee that is:
1753	(A) owned by the same person or persons as the full-service restaurant licensee; and
1754	(B) located immediately adjacent to the premises of the full-service restaurant licensee;
1755	and
1756	(b) any instrument or equipment used to dispense alcoholic product is located in an
1757	area described in Subsection (10)(a).
1758	(11) (a) A full-service restaurant licensee may have more than one dispensing area in
1759	the licensed premises.
1760	(b) Each dispensing area in a licensed premises may satisfy the requirements for a
1761	dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other

1762	dispensing area in the licensed premises satisfies the requirements for a dispensing area.
1763	(12) A full-service restaurant licensee may not:
1764	(a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or
1765	(b) display an alcoholic product or a product intended to appear like an alcoholic
1766	product by moving a cart or similar device around the licensed premises.
1767	(13) A full-service restaurant licensee may state in a food or alcoholic product menu a
1768	charge or fee made in connection with the sale, service, or consumption of liquor, including:
1769	(a) a set-up charge;
1770	(b) a service charge; or
1771	(c) a chilling fee.
1772	(14) (a) In addition to the requirements described in Section 32B-5-302, a full-service
1773	restaurant licensee shall maintain each of the following records for at least three years:
1774	(i) a record required by Section 32B-5-302; and
1775	(ii) a record that the commission requires a full-service restaurant licensee to use or
1776	maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1777	Rulemaking Act.
1778	(b) The department shall audit the records of a full-service restaurant licensee at least
1779	once annually.
1780	(15) A full-service restaurant licensee may lease to a patron of the full-service
1781	restaurant licensee a locked storage space:
1782	(a) that the commission considers proper for the storage of wine; and
1783	(b) for the storage of wine that:
1784	(i) the patron purchases from the full-service restaurant licensee; and
1785	(ii) only the full-service restaurant licensee or staff of the full-service restaurant
1786	licensee may remove from the locker for the patron's use in accordance with this title,
1787	including:
1788	(A) service and consumption on licensed premises as described in Section 32B-5-306;
1789	or
1790	(B) removal from the full-service retail licensee's licensed premises in accordance with
1791	Section 32B-5-307.
1792	Section 20. Section 32B-6-206 is amended to read:

1793	32B-6-206. Master full-service restaurant license.
1794	(1) (a) The commission may issue a master full-service restaurant license that
1795	authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an
1796	alcoholic product on premises at multiple locations as full-service restaurants if the person
1797	applying for the master full-service restaurant license:
1798	(i) owns each of the full-service restaurants;
1799	(ii) except for the fee requirements, establishes to the satisfaction of the commission
1800	that each location of a full-service restaurant under the master full-service restaurant license
1801	separately meets the requirements of this part; and
1802	(iii) the master full-service restaurant license includes at least five full-service
1803	restaurant locations.
1804	(b) The person seeking a master full-service restaurant license shall designate which
1805	full-service restaurant locations the person seeks to have under the master full-service
1806	restaurant license.
1807	(c) A full-service restaurant location under a master full-service restaurant license is
1808	considered separately licensed for purposes of this title, except as provided in this section.
1809	(2) A master full-service restaurant license and each location designated under
1810	Subsection (1) are considered a single full-service restaurant license for purposes of Subsection
1811	32B-6-203(3)(a).
1812	(3) (a) A master full-service restaurant license expires on October 31 of each year.
1813	(b) To renew a person's master full-service restaurant license, a person shall comply
1814	with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1815	September 30.
1816	(4) (a) The nonrefundable application fee for a master full-service restaurant license is
1817	\$330.
1818	(b) (i) The initial license fee for a master full-service restaurant license is $[\$10,000]$
1819	\$5,000 plus a separate initial license fee for each newly licensed full-service restaurant license
1820	under the master full-service restaurant license determined in accordance with Subsection
1821	32B-6-204(3)(b).
1822	(ii) The department may prorate the \$5,000 initial license fee based on the number of
1823	months out of a year the master full-service restaurant licensee is licensed before the day on

1823 months out of a year the master full-service restaurant licensee is licensed before the day on

1824	which the master full-service restaurant license expires.
1825	(c) [The renewal fee for a] To renew a master full-service restaurant license [is \$1,000
1826	plus a] the master full-service restaurant licensee shall pay a separate renewal fee for each
1827	full-service license under the master full-service restaurant license determined in accordance
1828	with Subsection 32B-6-204(3)(c).
1829	(5) A new location may be added to a master full-service restaurant license after the
1830	master full-service restaurant license is issued if:
1831	(a) the master full-service restaurant licensee pays a nonrefundable application fee of
1832	\$330; and
1833	(b) including payment of the initial license fee, the location separately meets the
1834	requirements of this part.
1835	(6) (a) A master full-service restaurant licensee shall notify the department of a change
1836	in the persons managing a location covered by a master full-service restaurant license:
1837	(i) immediately, if the management personnel is not management personnel at a
1838	location covered by the master full-service restaurant licensee at the time of the change; or
1839	(ii) within 30 days of the change, if the master full-service restaurant licensee is
1840	transferring management personnel from one location to another location covered by the master
1841	full-service restaurant licensee.
1842	(b) A location covered by a master full-service restaurant license shall keep [its] the
1843	location's own records on [its] the location's premises so that the department may audit the
1844	records.
1845	(c) A master full-service restaurant licensee may not transfer alcoholic products
1846	between different locations covered by the master full-service restaurant license.
1847	(7) $[(a)]$ If there is a violation of this title at a location covered by a master full-service
1848	restaurant license, the violation may result in disciplinary action in accordance with Chapter 3,
1849	Disciplinary Actions and Enforcement Act, against:
1850	[(i)] (a) the single location under a master full-service restaurant license;
1851	[(ii)] (b) individual staff of the location under the master full-service restaurant license;
1852	or
1853	[(iii)] (c) a combination of persons or locations described in Subsections (7)(a)(i) and
1854	(ii).

1855	[(b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in
1856	accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a
1857	master full-service restaurant licensee or individual staff of the master full-service restaurant
1858	licensee if during a period beginning on November 1 and ending October 31:]
1859	[(i) at least 25% of the locations covered by the master full-service restaurant license
1860	have been found by the commission to have committed a serious or grave violation of this title,
1861	as defined by rule made by the commission; or]
1862	[(ii) at least 50% of the locations covered by the master full-service restaurant license
1863	have been found by the commission to have violated this title.]
1864	(8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah
1865	Administrative Rulemaking Act, to establish how a person may apply for a master full-service
1866	restaurant license under this section.
1867	Section 21. Section 32B-6-305.2 is amended to read:
1868	32B-6-305.2. Specific operational requirements for a limited-service restaurant
1869	license On and after July 1, 2018, or July 1, 2022.
1870	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1871	Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
1872	licensee shall comply with this section.
1873	(b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
1874	accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
1875	(i) a limited-service restaurant licensee;
1876	(ii) individual staff of a limited-service restaurant licensee; or
1877	(iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
1878	licensee.
1879	(2) (a) An individual who serves an alcoholic product in a limited-service restaurant
1880	licensee's premises shall make a beverage tab for each table or group that orders or consumes
1881	an alcoholic product on the premises.
1882	(b) A beverage tab described in this Subsection (2) shall state the type and amount of
1883	each alcoholic product ordered or consumed.
1884	(3) A limited-service restaurant licensee may not make an individual's willingness to
1885	serve an alcoholic product a condition of employment with a limited-service restaurant

1886	licensee.
1887	(4) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
1888	heavy beer at the licensed premises during the following time periods only:
1889	(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
1890	(ii) on a weekend or a state or federal legal holiday or for a private event, during the
1891	period that begins at 10:30 a.m. and ends at 11:59 p.m.
1892	(b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
1893	licensed premises during the following time periods only:
1894	(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
1895	(ii) on a weekend or a state or federal legal holiday or for a private event, during the
1896	period that begins at 10:30 a.m. and ends at 12:59 a.m.
1897	(5) (a) A limited-service restaurant licensee may not furnish an alcoholic product for
1898	on-premise consumption except after:
1899	(i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic
1900	product is seated at:
1901	(A) a table that is located in a dining area or a dispensing area;
1902	(B) a counter that is located in a dining area or a dispensing area; or
1903	(C) a dispensing structure that is located in a dispensing area; and
1904	(ii) the limited-service restaurant licensee confirms that the patron intends to:
1905	(A) order food prepared, sold, and furnished at the licensed premises; and
1906	(B) except as provided in Subsection (5)(b), consume the food at the same location
1907	where the patron is seated and furnished the alcoholic product.
1908	(b) (i) While a patron waits for a seat at a table or counter in the dining area of a
1909	limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for
1910	sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as
1911	described in Section 32B-5-304 if:
1912	(A) the patron is in a dispensing area and seated at a table, counter, or dispensing
1913	structure; and
1914	(B) the limited-service restaurant licensee first confirms that after the patron is seated
1915	in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
1916	premises.

1917	[(ii) If]
1918	(ii) (A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's
1919	alcoholic product before moving to a seat in the dining area, [an employee of the
1920	limited-service restaurant licensee who is qualified to sell and serve an alcoholic product under
1921	Section 32B-5-306 shall] the patron may transport any unfinished portion of the patron's
1922	alcoholic product to the patron's seat in the dining area.
1923	(B) An employee of the limited-service restaurant licensee shall escort a patron who
1924	transports an unfinished portion of the patron's alcoholic product to the patron's seat in the
1925	dining area.
1926	(iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.
1927	(c) Notwithstanding Section 32B-5-307, a limited-service restaurant licensee may not
1928	furnish beer for off-premise consumption except after the patron consumes on the licensed
1929	premises food prepared, sold, and furnished at the licensed premises.
1930	(d) A limited-service restaurant licensee shall maintain on the licensed premises
1931	adequate culinary facilities for food preparation and dining accommodations.
1932	(6) A patron may consume an alcoholic product on the limited-service restaurant
1933	licensee's licensed premises only if the patron is seated at:
1934	(a) a table that is located in a dining area or a dispensing area;
1935	(b) a counter that is located in a dining area or a dispensing area; or
1936	(c) a dispensing structure located in a dispensing area.
1937	(7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
1938	more than two alcoholic products of any kind at a time before the patron.
1939	(b) An individual portion of wine is considered to be one alcoholic product under
1940	Subsection (7)(a).
1941	(8) In accordance with the provisions of this section, an individual who is at least 21
1942	years old may consume food and beverages in a dispensing area.
1943	(9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or
1944	consume food or beverages in a dispensing area.
1945	(b) (i) A minor may be in a dispensing area if the minor is:
1946	(A) at least 16 years old and working as an employee of the limited-service restaurant
1047	1'

1947 licensee; or

1948	(B) performing maintenance and cleaning services as an employee of the
1949	limited-service restaurant licensee when the limited-service restaurant licensee is not open for
1950	business.
1951	(ii) If there is no alternative route available, a minor may momentarily pass through a
1952	dispensing area without remaining or sitting in the dispensing area en route to an area of the
1953	limited-service restaurant licensee's premises in which the minor is permitted to be.
1954	(10) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant
1955	licensee may dispense an alcoholic product only if:
1956	(a) the alcoholic product is dispensed from:
1957	(i) a dispensing structure that is located in a dispensing area;
1958	(ii) an area that is:
1959	(A) separated from an area for the consumption of food by a patron by a solid,
1960	translucent, permanent structural barrier such that the facilities for the dispensing of an
1961	alcoholic product are not readily visible to a patron and not accessible by a patron; and
1962	(B) apart from an area used for dining, for staging, or as a waiting area; or
1963	(iii) the premises of a bar licensee that is:
1964	(A) owned by the same person or persons as the limited-service restaurant licensee; and
1965	(B) located immediately adjacent to the premises of the limited-service restaurant
1966	licensee; and
1967	(b) any instrument or equipment used to dispense alcoholic product is located in an
1968	area described in Subsection (10)(a).
1969	(11) (a) A limited-service restaurant licensee may have more than one dispensing area
1970	in the licensed premises.
1971	(b) Each dispensing area in a licensed premises may satisfy the requirements for a
1972	dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
1973	dispensing area in the licensed premises satisfies the requirements for a dispensing area.
1974	(12) A limited-service restaurant licensee may not:
1975	(a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or
1976	(b) display an alcoholic product or a product intended to appear like an alcoholic
1977	product by moving a cart or similar device around the licensed premises.
1978	(13) A limited-service restaurant licensee may state in a food or alcoholic product

1979 menu a charge or fee made in connection with the sale, service, or consumption of wine or 1980 heavy beer, including: 1981 (a) a set-up charge; 1982 (b) a service charge; or 1983 (c) a chilling fee. 1984 (14) (a) In addition to the requirements described in Section 32B-5-302, a 1985 limited-service restaurant licensee shall maintain each of the following records for at least three 1986 years: 1987 (i) a record required by Section 32B-5-302; and 1988 (ii) a record that the commission requires a limited-service restaurant licensee to use or 1989 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative 1990 Rulemaking Act. 1991 (b) The department shall audit the records of a limited-service restaurant licensee at 1992 least once each calendar year. 1993 Section 22. Section **32B-6-403** is amended to read: 1994 32B-6-403. Commission's power to issue bar establishment license. 1995 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of 1996 an alcoholic product on [its] the person's premises as a bar establishment licensee, the person 1997 shall first obtain a bar establishment license from the commission in accordance with this part. 1998 (2) The commission may issue a bar establishment license to establish bar 1999 establishment licensed premises at places and in numbers the commission considers proper for 2000 the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on 2001 premises operated by a bar establishment licensee. 2002 (3) Subject to Section 32B-1-201: 2003 [(a) (i) before July 1, 2018, the commission may not issue a total number of bar 2004 establishment licenses that at any time exceeds the number determined by dividing the 2005 population of the state by 7,850; and] 2006 (a) [(ii) beginning on July 1, 2018.] the commission may not issue a total number of 2007 bar establishment licenses that at any time exceeds the [number] sum of: 2008 (i) 15; and 2009 (ii) the number determined by dividing the population of the state by 10,200;

2010	(b) the commission may issue a seasonal bar establishment license in accordance with
2011	Section 32B-5-206 to[:]
2012	[(i) a dining club licensee; or]
2013	[(ii)] a bar licensee;
2014	(c) [(i) if the location, design, and construction of a hotel may require more than one
2015	dining club license or bar license location within the hotel to serve the public convenience,] the
2016	commission may authorize as many as three bar establishment license locations within [the] \underline{a}
2017	hotel under one bar establishment license if:
2018	[(A)] (i) the location, design, and construction of the hotel requires more than one bar
2019	license location within the hotel to serve the public convenience;
2020	(ii) the hotel has a minimum of 150 guest rooms;
2021	[(B)] (iii) all locations under the bar establishment license are:
2022	[(f)] (A) within the same hotel; and
2023	[(H)] (B) on premises that are managed or operated, and owned or leased, by the bar
2024	establishment licensee; [and]
2025	[(C) the locations under the bar establishment license operate under the same type of
2026	bar establishment license; and]
2027	(d) the commission may authorize up to five dispensing structures under one equity
2028	license if the locations under the equity license:
2029	(i) are connected by a private roadway to which the equity licensee, each member of
2030	the equity licensee, and each guest has a legal right of access; and
2031	(ii) are managed or operated, and owned or leased, by the equity licensee;
2032	[(ii)] (e) except for a facility operating in accordance with Subsection (3)(d) or a hotel,
2033	a facility [other than a hotel] shall have a separate bar establishment license for each bar
2034	establishment license location where an alcoholic product is sold, offered for sale, or furnished;
2035	$\left[\frac{d}{d}\right]$ when a business establishment undergoes a change of ownership, the
2036	commission may issue a bar establishment license to the new owner of the business
2037	establishment notwithstanding that there is no bar establishment license available under
2038	Subsection (3)(a) if:
2039	(i) the primary business activity at the business establishment before and after the
2040	change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;

2041	(ii) before the change of ownership there are two or more licensed premises on the
2042	business establishment that operate under a retail license, with at least one of the retail licenses
2043	being a bar establishment license;
2044	(iii) subject to Subsection $[(3)(e),]$ (3)(g) the licensed premises of the bar establishment
2045	license issued under this Subsection $\left[\frac{(3)(d)}{(3)(f)}\right]$ is at the same location where the bar
2046	establishment license licensed premises was located before the change of ownership; and
2047	(iv) the person who is the new owner of the business establishment qualifies for the bar
2048	establishment license, except for there being no bar establishment license available under
2049	Subsection (3)(a); and
2050	[(e)] (g) if a bar establishment licensee of a bar establishment license issued under
2051	Subsection $\left[\frac{(3)(d)}{(3)(f)}\right]$ requests a change of location, the bar establishment licensee may
2052	retain the bar establishment license after the change of location only if on the day on which the
2053	bar establishment licensee seeks a change of location a bar establishment license is available
2054	under Subsection (3)(a).
2055	Section 23. Section 32B-6-404 is amended to read:
2056	32B-6-404. Types of bar license.
2057	(1) To obtain an equity license, in addition to meeting the other requirements of this
2058	part, a person shall:
2059	(a) whether incorporated or unincorporated:
2060	(i) be organized and operated solely for a social, recreational, patriotic, or fraternal
2061	purpose;
2062	(ii) have members;
2063	(iii) limit access to its licensed premises to a member or a guest of the member; and
2064	(iv) desire to maintain premises upon which an alcoholic product may be stored, sold
2065	to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
2066	(b) except as provided in Subsection (8), own, maintain, or operate a substantial
2067	recreational facility in conjunction with a club house such as:
2068	(i) a golf course; or
2069	(ii) a tennis facility;
2070	(c) have at least 50% of the total membership having an equal share of the equity of the
2071	entity or a right to redemption or refund at the equal value; and

2072	(d) if there is more than one class of membership, have at least one class of
2073	membership that entitles each member in that class to an equal share of the equity of the entity
2074	or a right to redemption or refund at the equal value.
2075	(2) To obtain a fraternal license, in addition to meeting the other requirements of this
2076	part, a person shall:
2077	(a) whether incorporated or unincorporated:
2078	(i) be organized and operated solely for a social, recreational, patriotic, or fraternal
2079	purpose;
2080	(ii) have members;
2081	(iii) limit access to its licensed premises to a member or a guest of the member; and
2082	(iv) desire to maintain premises upon which an alcoholic product may be stored, sold
2083	to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
2084	(b) have no capital stock;
2085	(c) exist solely for:
2086	(i) the benefit of its members and their beneficiaries; and
2087	(ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal,
2088	patriotic, or religious purpose for the benefit of its members or the public, carried on through
2089	voluntary activity of its members in their local lodges;
2090	(d) have a representative form of government;
2091	(e) have a lodge system in which:
2092	(i) there is a supreme governing body;
2093	(ii) subordinate to the supreme governing body are local lodges, however designated,
2094	into which individuals are admitted as members in accordance with the laws of the fraternal;
2095	(iii) the local lodges are required by the laws of the fraternal to hold regular meetings at
2096	least monthly; and
2097	(iv) the local lodges regularly engage in one or more programs involving member
2098	participation to implement the purposes of Subsection (2)(c); and
2099	(f) own or lease a building or space in a building used for lodge activities.
2100	(3) To obtain a dining club license, in addition to meeting the other requirements of
2101	this part, a person shall:
2102	(a) maintain at least the following percentages of its total club business from the sale of

2103	food, not including mix for alcoholic products, or service charges:
2104	(i) for a dining club license that is issued as an original license on or after July 1, 2011,
2105	60%; and
2106	(ii) for a dining club license that is issued on or before June 30, 2011:
2107	(A) 50% on or before June 30, 2012; and
2108	(B) 60% on and after July 1, 2012; and
2109	(b) obtain a determination by the commission that the person will operate as a dining
2110	club licensee, as part of which the commission may consider:
2111	(i) the square footage and seating capacity of the premises;
2112	(ii) what portion of the square footage and seating capacity will be used for a dining
2113	area in comparison to the portion that will be used as a lounge or bar area;
2114	(iii) whether full meals including appetizers, main courses, and desserts are served;
2115	(iv) whether the person will maintain adequate on-premise culinary facilities to prepare
2116	full meals, except a person who is located on the premise of a hotel or resort facility may use
2117	the culinary facilities of the hotel or resort facility;
2118	(v) whether the entertainment provided at the premises is suitable for minors; and
2119	(vi) the club management's ability to manage and operate a dining club license
2120	including:
2121	(A) management experience;
2122	(B) past dining club licensee or restaurant management experience; and
2123	(C) the type of management scheme used by the dining club license.
2124	(4) To obtain a bar license, a person is required to meet the requirements of this part
2125	except those listed in Subsection (1), (2), or (3).
2126	(5) (a) At the time that the commission issues a bar establishment license, the
2127	commission shall designate the type of bar establishment license for which the person qualifies.
2128	(b) If requested by a bar establishment licensee, the commission may approve a change
2129	in the type of bar establishment license in accordance with rules made by the commission.
2130	(6) To the extent not prohibited by law, this part does not prevent a dining club
2131	licensee or bar licensee from restricting access to the licensed premises on the basis of an
2132	individual:
2133	(a) paying a fee; or

2134	(b) agreeing to being on a list of individuals who have access to the licensed premises.
2135	(7) (a) (i) On or after July 1, 2017, the commission may not issue or renew a dining
2136	club license.
2137	(ii) No later than July 1, 2018, the department shall convert each dining club license to
2138	a full-service restaurant license or a bar license in accordance with the provisions of this
2139	Subsection (7).
2140	(b) (i) (A) A person licensed as a dining club on July 1, 2017, shall notify the
2141	department no later than May 31, 2018, whether the person elects to be licensed as a
2142	full-service restaurant or a bar.
2143	(B) No later than July 1, 2018, the department shall convert a dining club license to a
2144	full-service restaurant license or a bar license in accordance with the dining club licensee's
2145	election under Subsection (7)(b)(i)(A).
2146	(ii) If a dining club licensee fails to timely notify the department in accordance with
2147	Subsection (7)(b)(i), the dining club license is automatically converted to a full-service
2148	restaurant license on July 1, 2018.
2149	(c) Subject to Section 32B-6-404.1, after a dining club license converts to a full-service
2150	restaurant license or a bar license, the retail licensee shall operate under the provisions that
2151	govern the full-service restaurant license or the bar license, as applicable.
2152	(d) After a dining club license converts to a full-service restaurant license or a bar
2153	license in accordance with this Subsection (7):
2154	(i) the full-service restaurant license is not considered in determining the total number
2155	of full-service restaurant licenses available under Section 32B-6-203; or
2156	(ii) the bar license is not considered in determining the total number of bar
2157	establishment licenses available under Section 32B-6-403.
2158	(e) Except as provided in Subsections (7)(a) and (b), before July 1, 2018, the
2159	commission may not issue a full-service restaurant license, a limited-service restaurant license,
2160	or a beer-only restaurant license to a person who holds a dining club license on May 9, 2017,
2161	for the same premises.
2162	(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2163	commission may make rules establishing a procedure by which a dining club licensee elects
2164	and converts to a full-service restaurant licensee or a bar licensee under this Subsection (7).

2165	(8) Subsection (1)(b) does not apply to a person who renews an equity license issued
2166	before January 1, 2020, if the person did not meet the requirements under Subsection (1)(b) at
2167	the time the equity license was issued.
2168	Section 24. Section 32B-6-406 is amended to read:
2169	32B-6-406. Specific operational requirements for a bar establishment license.
2170	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2171	Requirements, a bar establishment licensee and staff of the bar establishment licensee shall
2172	comply with this section.
2173	(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2174	in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2175	(i) a bar establishment licensee;
2176	(ii) individual staff of a bar establishment licensee; or
2177	(iii) both a bar establishment licensee and staff of the bar establishment licensee.
2178	(2) In addition to complying with Subsection $32B-5-301(3)$, a bar licensee shall display
2179	in a conspicuous place at the entrance to the licensed premises a sign that:
2180	(a) measures at least 8-1/2 inches long and 11 inches wide; and
2181	(b) clearly states that the bar licensee is a bar and that no one under 21 years of age is
2182	allowed.
2183	(3) (a) In addition to complying with Section $32B-5-302$, a bar establishment licensee
2184	shall maintain for a minimum of three years:
2185	(i) a record required by Section 32B-5-302; and
2186	(ii) a record maintained or used by the bar establishment licensee, as the department
2187	requires.
2188	(b) Section 32B-1-205 applies to a record required to be made, maintained, or used in
2189	accordance with this Subsection (3).
2190	(c) The department shall audit the records of a bar establishment licensee at least once
2191	annually.
2192	(4) (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the
2193	licensed premises on any day during a period that:
2194	(i) begins at 1 a.m.; and
2195	(ii) ends at 9:59 a.m.

2196	(b) A bar establishment licensee may sell, offer for sale, or furnish beer during the
2197	hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer
2198	license.
2199	(c) (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall
2200	keep its licensed premises open for one hour after the bar establishment licensee ceases the sale
2201	and furnishing of an alcoholic product during which time a patron of the bar establishment
2202	licensee may finish consuming:
2203	(A) a single drink containing spirituous liquor;
2204	(B) except as provided in Subsection $(4)(c)(i)(C)$, a single serving of wine not
2205	exceeding five ounces;
2206	(C) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed
2207	container and contains no more than 5% of alcohol by volume;
2208	[(C)] (D) a single serving of heavy beer;
2209	[(D)] (E) a single serving [of beer] not exceeding 26 ounces of beer; or
2210	[(E)] (F) a single serving of a flavored malt beverage.
2211	(ii) A bar establishment licensee is not required to remain open:
2212	(A) after all patrons have vacated the premises; or
2213	(B) during an emergency.
2214	(5) (a) A minor:
2215	(i) may not be admitted into, use, or be in the licensed premises of:
2216	(A) a dining club licensee unless accompanied by an individual who is 21 years of age
2217	or older; or
2218	(B) a bar licensee, except to the extent provided for under Section 32B-6-406.1;
2219	(ii) may only be admitted into, use, or be in the lounge or bar area of an equity
2220	licensee's or fraternal licensee's licensed premises:
2221	(A) when accompanied by an individual who is 21 years of age or older; and
2222	(B) momentarily while en route to another area of the licensee's premises; and
2223	(iii) may not remain or sit in the lounge or bar area of an equity licensee's or fraternal
2224	licensee's licensed premises.
2225	(b) Notwithstanding Section 32B-5-308, a bar establishment licensee may not employ a
2226	minor to:

2227	(i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club
2228	licensee; or
2229	(ii) handle an alcoholic product.
2230	(c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed
2231	premises of a bar licensee.
2232	(d) Nothing in this part or Section 32B-5-308 precludes a local authority from being
2233	more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar
2234	establishment licensee.
2235	(6) A bar establishment licensee shall have food available at all times when an
2236	alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
2237	(7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
2238	more than two alcoholic products of any kind at a time before the patron.
2239	(b) A patron may not have two spirituous liquor drinks before the bar establishment
2240	licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous
2241	liquor for the other spirituous liquor drink.
2242	(c) An individual portion of wine is considered to be one alcoholic product under
2243	Subsection (7)(a).
2244	(8) A bar establishment licensee shall have available on the premises for a patron to
2245	review at the time that the patron requests it, a written alcoholic product price list or a menu
2246	containing the price of an alcoholic product sold, offered for sale, or furnished by the bar
2247	establishment licensee including:
2248	(a) a set-up charge;
2249	(b) a service charge; or
2250	(c) a chilling fee.
2251	(9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily
2252	rent or otherwise temporarily lease its premises to a person unless:
2253	(a) the person to whom the bar establishment licensee rents or leases the premises
2254	agrees in writing to comply with this title as if the person is the bar establishment licensee,
2255	except for a requirement related to making or maintaining a record; and
2256	(b) the bar establishment licensee takes reasonable steps to ensure that the person
2257	complies with this section as provided in Subsection (9)(a).

2258	(10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar
2259	establishment licensee shall comply with Section 32B-6-407.
2260	(11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar
2261	establishment licensee shall comply with Section 32B-1-407.
2262	(12) (a) A bar establishment licensee shall own or lease premises suitable for the bar
2263	establishment licensee's activities.
2264	(b) A bar establishment licensee may not maintain licensed premises in a manner that
2265	barricades or conceals the bar establishment licensee's operation.
2266	Section 25. Section 32B-6-503 is amended to read:
2267	32B-6-503. Commission's power to issue airport lounge license.
2268	(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
2269	an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain
2270	an airport lounge license from the commission in accordance with this part.
2271	(2) [The] Subject to Subsection (3), the commission may issue an airport lounge
2272	license:
2273	(a) to establish airport lounge licensed premises beyond the security point at an
2274	international airport or a domestic airport; and
2275	(b) in the numbers the commission considers proper for the storage, sale, offer for sale,
2276	furnishing, and consumption of an alcoholic product on licensed premises operated as an
2277	airport lounge.
2278	(3) (a) The commission may not issue more than $[13]$ 26 airport lounge licenses for an
2279	international airport at any time.
2280	(b) The commission may not issue a total number of domestic airport airport lounge
2281	licenses that at any time exceeds three.
2282	Section 26. Section 32B-6-603 is amended to read:
2283	32B-6-603. Commission's power to issue on-premise banquet license Contracts
2284	as host.
2285	(1) (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption
2286	of an alcoholic product in connection with the person's banquet and room service activities at
2287	one of the following, the person shall first obtain an on-premise banquet license in accordance
2288	with this part:

2289	(i) a hotel;
2290	(ii) a resort facility;
2291	(iii) a sports center;
2292	(iv) a convention center;
2293	(v) a performing arts facility; [or]
2294	(vi) an arena[-]; or
2295	(vii) a restaurant venue.
2296	(b) This part does not prohibit an alcoholic product on the premises of a person listed
2297	in Subsection (1)(a) to the extent otherwise permitted by this title.
2298	(c) This section does not prohibit a person who applies for an on-premise banquet
2299	license to also apply for a package agency if otherwise qualified.
2300	(2) The commission may issue an on-premise banquet license to establish on-premise
2301	banquet licensees in the numbers the commission considers proper for the storage, sale, offer
2302	for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room
2303	service activities operated by an on-premise banquet licensee.
2304	(3) Subject to Section 32B-1-201, the commission [may not]:
2305	(a) may not issue a total number of restaurant venue on-premise banquet licenses that
2306	at any time exceeds 25; and
2307	(b) may not issue a total number of on-premise banquet licenses that at any time
2308	[exceed] exceeds the number determined by dividing the population of the state by 28,765.
2309	(4) Pursuant to a contract between the host of a banquet and an on-premise banquet
2310	licensee:
2311	(a) the host of the banquet may request an on-premise banquet licensee to provide an
2312	alcoholic product served at the banquet; and
2313	(b) an on-premise banquet licensee may provide an alcoholic product served at the
2314	banquet.
2315	(5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
2316	(a) without charge to a patron at a banquet, except that the host of the banquet shall pay
2317	for an alcoholic product furnished at the banquet; or
2318	(b) with a charge to a patron at the banquet.
2319	(6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of

2320	the person's total annual banquet gross receipts from the sale of food, which does not include:
2321	(a) mix for an alcoholic product; or
2322	(b) a charge in connection with the furnishing of an alcoholic product.
2323	Section 27. Section 32B-6-605 is amended to read:
2324	32B-6-605. Specific operational requirements for on-premise banquet license.
2325	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2326	Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee
2327	shall comply with this section.
2328	(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2329	in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2330	(i) an on-premise banquet licensee;
2331	(ii) individual staff of an on-premise banquet licensee; or
2332	(iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.
2333	(2) An on-premise banquet licensee shall comply with Subsections $32B-5-301(4)$ and
2334	(5) for the entire premises of the hotel, resort facility, sports center, convention center,
2335	performing arts facility, [or arena] arena, or restaurant venue that is the basis for the on-premise
2336	banquet license.
2337	(3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
2338	shall provide the department with advance notice of a scheduled banquet in accordance with
2339	rules made by the commission.
2340	(b) Any of the following may conduct a random inspection of a banquet:
2341	(i) an authorized representative of the commission or the department; or
2342	(ii) a law enforcement officer.
2343	(4) (a) An on-premise banquet licensee is not subject to Section 32B-5-302, but shall
2344	make and maintain the records the commission or department requires.
2345	(b) Section 32B-1-205 applies to a record required to be made or maintained in
2346	accordance with this Subsection (4).
2347	(5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may
2348	sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the
2349	location of the banquet.
2350	(b) Except as provided in Subsection 32B-5-307(4), a host of a banquet, a patron, or a

2351	person other than the on-premise banquet licensee or staff of the on-premise banquet licensee,
2352	may not remove an alcoholic product from the premises of the banquet.
2353	(c) Notwithstanding Subsections 32B-5-307(3) and (5) and except as provided in
2354	Subsection 32B-5-307(4), a patron at a banquet may not bring an alcoholic product into or
2355	onto, or remove an alcoholic product from, the premises of a banquet.
2356	(6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
2357	the banquet following the conclusion of the banquet.
2358	(b) At the conclusion of a banquet, an on-premise banquet licensee shall:
2359	(i) destroy an opened and unused alcoholic product that is not saleable, under
2360	conditions established by the department; and
2361	(ii) return to the on-premise banquet licensee's approved locked storage area any:
2362	(A) opened and unused alcoholic product that is saleable; and
2363	(B) unopened container of an alcoholic product.
2364	(c) Except as provided in Subsection (6)(b) with regard to an open or sealed container
2365	of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:
2366	(i) shall store the alcoholic product in the on-premise banquet licensee's approved
2367	locked storage area; and
2368	(ii) may use the alcoholic product at more than one banquet.
2369	(7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not
2370	employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
2371	on-premise banquet licensee's banquet and room service activities.
2372	(8) An on-premise banquet licensee:
2373	(a) may provide room service in portions described in Section 32B-5-304;
2374	(b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
2375	connection with room service any day during a period that:
2376	(i) begins at 1 a.m.; and
2377	(ii) ends at 9:59 a.m.; and
2378	(c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
2379	product free of charge per guest reservation, per guest room, if the alcoholic product:
2380	(i) is not a spirituous liquor; and
2381	(ii) is in an unopened container not to exceed 750 milliliters.

2382	(9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
2383	more than two alcoholic products of any kind at a time before the patron.
2384	(b) A patron may not have more than one spirituous liquor drink at a time before the
2385	patron.
2386	(c) An individual portion of wine is considered to be one alcoholic product under
2387	Subsection (9)(a).
2388	(10) (a) An on-premise banquet licensee shall supervise and direct a person involved in
2389	the sale, offer for sale, or furnishing of an alcoholic product.
2390	(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2391	shall complete an alcohol training and education seminar.
2392	(11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
2393	times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
2394	banquet.
2395	(12) (a) Room service of an alcoholic product to a guest room or privately owned
2396	dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise
2397	banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.
2398	(b) An alcoholic product may not be left outside a guest room or privately owned
2399	dwelling unit for retrieval by a guest or resident.
2400	(13) An on-premise banquet licensee may not maintain a minibar.
2401	Section 28. Section 32B-6-905.1 is amended to read:
2402	32B-6-905.1. Specific operational requirements for a beer-only restaurant license
2403	On and after July 1, 2018, or July 1, 2022.
2404	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2405	Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
2406	shall comply with this section.
2407	(b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
2408	accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2409	(i) a beer-only restaurant licensee;
2410	(ii) individual staff of a beer-only restaurant licensee; or
2411	(iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.
2412	(2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for

2413	sale, furnish, or allow consumption of liquor.
2414	(b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:
2415	(i) as a flavoring on a dessert; or
2416	(ii) in the preparation of a flaming food dish, drink, or dessert.
2417	(3) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
2418	make a beverage tab for each table or group that orders or consumes beer on the premises.
2419	(b) A beverage tab described in this Subsection (3) shall state the type and amount of
2420	each beer ordered or consumed.
2421	(4) A beer-only restaurant licensee may not make an individual's willingness to serve
2422	beer a condition of employment as a server with a beer-only restaurant licensee.
2423	(5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
2424	licensed premises during the following time periods only:
2425	(a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
2426	(b) on a weekend or a state or federal legal holiday or for a private event, during the
2427	period that begins at 10:30 a.m. and ends at 12:59 a.m.
2428	(6) (a) A beer-only restaurant licensee may not furnish beer for on-premise
2429	consumption except after:
2430	(i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:
2431	(A) a table that is located in a dining area or a dispensing area;
2432	(B) a counter that is located in a dining area or a dispensing area; or
2433	(C) a dispensing structure that is located in a dispensing area; and
2434	(ii) the beer-only restaurant licensee confirms that the patron intends to:
2435	(A) order food prepared, sold, and furnished at the licensed premises; and
2436	(B) except as provided in Subsection (6)(b), consume the food at the same location
2437	where the patron is seated and furnished the beer.
2438	(b) (i) While a patron waits for a seat at a table or counter in the dining area of a
2439	beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or
2440	furnish to the patron one portion of beer as described in Section 32B-5-304 if:
2441	(A) the patron is in a dispensing area and seated at a table, counter, or dispensing
2442	structure; and
2443	(B) the beer-only restaurant licensee first confirms that after the patron is seated in the

2444	dining area, the patron intends to order food prepared, sold, and furnished at the licensed
2445	premises.
2446	[(ii) If]
2447	(ii) (A) Subject to Subsection (6)(b)(ii)(B), if the patron does not finish the patron's
2448	beer before moving to a seat in the dining area, [an employee of the beer-only restaurant
2449	licensee who is qualified to sell and serve an alcoholic product under Section 32B-5-306-shall]
2450	the patron may transport any unfinished portion of the patron's beer to the patron's seat in the
2451	dining area.
2452	(B) An employee of the beer-only restaurant licensee shall escort a patron who
2453	transports an unfinished portion of the patron's beer to the patron's seat in the dining area.
2454	(c) Notwithstanding Section 32B-5-307, a beer-only restaurant licensee may not
2455	furnish beer for off-premise consumption except after the patron consumes on the licensed
2456	premises food prepared, sold, and furnished at the licensed premises.
2457	(d) A beer-only restaurant licensee shall maintain on the licensed premises adequate
2458	culinary facilities for food preparation and dining accommodations.
2459	(7) A patron may consume a beer on the beer-only licensee's licensed premises only at:
2460	(a) a table that is located in a dining area or a dispensing area;
2461	(b) a counter that is located in a dining area or a dispensing area; or
2462	(c) a dispensing structure located in a dispensing area.
2463	(8) A patron may not have more than two beers at a time before the patron.
2464	(9) In accordance with the provisions of this section, an individual who is at least 21
2465	years old may consume food and beverages in a dispensing area.
2466	(10) (a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or
2467	consume food or beverages in a dispensing area.
2468	(b) (i) A minor may be in a dispensing area if the minor is:
2469	(A) at least 16 years old and working as an employee of the beer-only restaurant
2470	licensee; or
2471	(B) performing maintenance and cleaning services as an employee of the beer-only
2472	restaurant licensee when the beer-only restaurant licensee is not open for business.
2473	(ii) If there is no alternative route available, a minor may momentarily pass through a
2474	dispensing area without remaining or sitting in the dispensing area en route to an area of the

2475	beer-only restaurant licensee's premises in which the minor is permitted to be.
2476	(11) A beer-only restaurant licensee may dispense a beer only if:
2477	(a) the beer is dispensed from:
2478	(i) a dispensing structure that is located in a dispensing area;
2479	(ii) an area that is:
2480	(A) separated from an area for the consumption of food by a patron by a solid,
2481	translucent, permanent structural barrier such that the facilities for the dispensing of an
2482	alcoholic product are not readily visible to a patron and not accessible by a patron; and
2483	(B) apart from an area used for dining, for staging, or as a waiting area; or
2484	(iii) the premises of a bar licensee that is:
2485	(A) owned by the same person or persons as the beer-only restaurant licensee; and
2486	(B) located immediately adjacent to the premises of the beer-only restaurant licensee;
2487	and
2488	(b) any instrument or equipment used to dispense the beer is located in an area
2489	described in Subsection (11)(a).
2490	(12) (a) A beer-only restaurant licensee may have more than one dispensing area in the
2491	licensed premises.
2492	(b) Each dispensing area in a licensed premises may satisfy the requirements for a
2493	dispensing area under Subsection 32B-6-902(1)(b)(i)(A), (B), or (C), regardless of how any
2494	other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
2495	(13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or
2496	from a movable cart.
2497	(14) (a) In addition to the requirements described in Section 32B-5-302, a beer-only
2498	restaurant licensee shall maintain each of the following records for at least three years:
2499	(i) a record required by Section 32B-5-302; and
2500	(ii) a record that the commission requires a beer-only restaurant licensee to use or
2501	maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2502	Rulemaking Act.
2503	(b) The department shall audit the records of a beer-only restaurant licensee at least
2504	once annually.
2505	Section 29. Section 32B-6-1005 is amended to read:

2506	32B-6-1005. Specific operational requirements for hospitality amenity license.
2507	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2508	Requirements, a hospitality amenity licensee and staff of the hospitality amenity licensee shall
2509	comply with this section.
2510	(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2511	in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2512	(i) the hospitality amenity licensee;
2513	(ii) individual staff of the hospitality amenity licensee; or
2514	(iii) both the hospitality amenity licensee and staff of the hospitality amenity licensee.
2515	(2) (a) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic
2516	product:
2517	(i) to a hospitality guest; and
2518	(ii) for consumption in or on the hospitality amenity licensee's licensed premises.
2519	(b) (i) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic
2520	product that is not spirituous liquor in or on:
2521	(A) licensed premises physically separated from an area to which a hospitality guest or
2522	the public has access by a permanent or temporary structure or barrier; or
2523	(B) licensed premises described in Subsection (2)(b)(ii).
2524	(ii) A hospitality amenity licensee may sell, offer for sale, or furnish spirituous liquor
2525	in or on licensed premises that:
2526	(A) allows access only through the use of a key or code; and
2527	(B) fills the entirety of a physically and permanently enclosed area within the hotel or
2528	resort.
2529	(c) Spirituous liquor may not be in or on the licensed premises described in Subsection
2530	(2)(b)(i)(A) of a hospitality amenity licensee, except for use:
2531	(i) as a flavoring on a dessert; and
2532	(ii) in the preparation of a flaming food dish or dessert.
2533	(d) A hospitality amenity licensee may not allow self-service of an alcoholic product in
2534	or on the hospitality amenity licensee's licensed premises.
2535	(3) (a) Subject to Subsections (3)(b) and (c), a hospitality guest may not have more
2536	than two alcoholic products of any kind at a time before the hospitality guest.

2537	(b) A hospitality guest may not have more than one spirituous liquor drink at a time
2538	before the hospitality guest.
2539	(c) An individual portion of wine is considered to be one alcoholic product under
2540	Subsection (3)(a).
2541	(4) A hospitality amenity licensee shall make food available at all times that the
2542	licensee sells, offers for sale, furnishes, or allows the consumption of an alcoholic product on
2543	the licensed premises.
2544	(5) (a) A hospitality amenity licensee may not sell, offer for sale, or furnish an
2545	alcoholic product any day during a period that:
2546	(i) begins at 1:00 a.m.; and
2547	(ii) ends at 9:59 a.m.
2548	(b) A hospitality amenity licensee shall remain open for one hour after the licensee
2549	ceases to sell and furnish an alcoholic product, during which time a hospitality guest in or on
2550	the hospitality amenity licensed premises may finish consuming:
2551	(i) a single drink containing spirituous liquor;
2552	(ii) except as provided in Subsection (5)(b)(iii), a single serving of wine not exceeding
2553	five ounces;
2554	(iii) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed
2555	container and contains no more than 5% of alcohol by volume;
2556	[(iii)] (iv) a single serving of heavy beer;
2557	[(iv)] (v) a single serving [of beer] not exceeding 26 ounces of beer; or
2558	[(v)] (vi) a single serving of a flavored malt beverage.
2559	(c) A hospitality amenity licensee is not required to remain open:
2560	(i) after all individuals have vacated the licensee's licensed premises; or
2561	(ii) during an emergency.
2562	(6) (a) Notwithstanding Section 32B-5-305, a hospitality amenity licensee may provide
2563	a hospitality guest up to two single servings of an alcoholic product free of charge or at a
2564	reduced rate, if:
2565	(i) the alcoholic product is not a spirituous liquor; and
2566	(ii) the hospitality amenity licensee offers the alcohol product:
2567	(A) to all hospitality guests;

2568	(B) during a specific time; and
2569	(C) on the hospitality amenity licensee's licensed premises.
2570	(b) Before a hospitality amenity licensee provides an alcoholic product free of charge
2571	or at a reduced rate as described in Subsection (6)(a), the licensee shall provide the department
2572	with advance notice of the event, in accordance with commission rules that permit a licensee to
2573	provide a single notice for a reoccurring event or multiple events.
2574	(7) A hospitality amenity licensee may permit a hospitality guest to purchase an
2575	alcoholic product through a charge to the hospitality guest's lodging accommodations.
2576	(8) (a) Notwithstanding Section 32B-5-307, a hospitality guest, or a person other than
2577	the hospitality amenity licensee or staff of the hospitality amenity licensee, may not remove an
2578	alcoholic product from the hospitality amenity licensee's licensed premises.
2579	(b) Notwithstanding Subsection 32B-5-307(3), a hospitality guest may not bring an
2580	alcoholic product within the hospitality amenity licensee's licensed premises.
2581	(9) A hospitality amenity licensee shall display at each entrance to the licensee's
2582	licensed premises a conspicuous sign that:
2583	(a) measures at least 8-1/2 inches long and 11 inches wide; and
2584	(b) clearly states that entry is limited to individuals who are hospitality guests, as
2585	defined in this title.
2586	(10) A hospitality amenity licensee may not permit a minor to enter the licensee's
2587	licensed premises at any time during which an alcoholic product is sold, offered for sale,
2588	furnished, or consumed, unless the minor is accompanied at all times on the licensed premises
2589	by a hospitality guest.
2590	(11) A staff person of a hospitality amenity licensee shall remain on the licensed
2591	premises at all times when an alcoholic product is sold, offered for sale, furnished, or
2592	consumed in or on the licensed premises.
2593	(12) A hospitality amenity licensee may transfer an alcoholic product to or from
2594	another licensee within the boundary of the hotel or within the boundary of the resort building,
2595	if:
2596	(a) the hospitality amenity licensee and each licensee involved in the transfer tracks the
2597	transfer of the alcoholic product; and
2598	(b) the alcoholic product is in a sealed, unopened container.

2599	(13) (a) In addition to the requirements described in Section 32B-5-302, a hospitality
2600	amenity licensee shall maintain each of the following records for at least three years:
2601	(i) a record required under Section 32B-5-302; and
2602	(ii) a record that the commission requires a hospitality amenity licensee to use or
2603	maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2604	Rulemaking Act.
2605	(b) The department shall audit the records of a hospitality amenity licensee at least
2606	once annually.
2607	Section 30. Section 32B-7-409 is amended to read:
2608	32B-7-409. Multiple licenses on same premises.
2609	(1) Except as provided in Subsection (2), the commission may not issue and one or
2610	more licensees may not hold an off-premise beer retailer state license for the same licensed
2611	premises or adjacent licensed premises as a retail licensee, unless the licensed premises:
2612	(a) are separated by a permanent, opaque, floor-to-ceiling wall;
2613	(b) each have a separate entrance to the licensed premises; and
2614	(c) each have separate restroom facilities on the licensed premises.
2615	(2) (a) The commission may issue and an off-premise beer retailer state licensee may
2616	hold more than one type of license for the same licensed premises or adjacent licensed
2617	premises, if:
2618	[(a)] (i) a manufacturing licensee is located on or adjacent to the licensed premises; and
2619	[(b)] (ii) a package agency is located on or adjacent to the licensed premises.
2620	(b) Notwithstanding Subsection (1), the commission may issue an off-premise beer
2621	retailer state license to a hotel or resort.
2622	Section 31. Section 32B-8-401 is amended to read:
2623	32B-8-401. Specific operational requirements for resort license.
2624	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2625	Requirements, a resort licensee, staff of the resort licensee, and a sublicensee or a person
2626	otherwise operating under a sublicense shall comply with this section.
2627	(b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
2628	may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and
2629	Enforcement Act, against:

2630	(i) the resort licensee;
2631	(ii) individual staff of the resort licensee;
2632	(iii) a sublicensee or person otherwise operating under a sublicense of the resort
2633	licensee;
2634	(iv) individual staff of a sublicensee or person otherwise operating under a sublicense
2635	of the resort licensee; or
2636	(v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).
2637	(2) (a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product
2638	except:
2639	(i) on sublicensed premises;
2640	(ii) pursuant to a permit issued under this title; [or]
2641	(iii) under a package agency agreement with the department, subject to Chapter 2, Part
2642	6, Package Agency[.]; or
2643	(iv) through room service.
2644	(b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as
2645	provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic product:
2646	(i) if on a sublicense premises, in accordance with the operational requirements
2647	described in Section 32B-8d-104;
2648	(ii) if under a permit issued under this title, in accordance with the operational
2649	requirements under the provisions applicable to the permit; [and]
2650	(iii) if as a package agency, in accordance with the contract with the department and
2651	Chapter 2, Part 6, Package Agency[-]; and
2652	(iv) if through room service, in accordance with Subsection (5).
2653	(3) A resort licensee shall operate in a manner so that at least 70% of the annual
2654	aggregate of the gross receipts related to the sale of food or beverages for the resort license and
2655	each of the resort licensee's sublicenses is from the sale of food, not including:
2656	(a) mix for an alcoholic product; and
2657	(b) a charge in connection with the service of an alcoholic product.
2658	(4) (a) A resort licensee shall supervise and direct a person involved in the sale, offer
2659	for sale, or furnishing of an alcoholic product under a resort license.
2660	(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product

2661 under a resort license shall complete the alcohol training and education seminar.

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

(b) An alcoholic product may not be left outside a lodging accommodation for retrievalby an occupant.

2667 Section 32. Section **32B-8b-102** is amended to read:

32B-8b-102. Definitions.

As used in this chapter:

2670 (1) "Boundary of a hotel" means the physical boundary of one or more contiguous

2671 parcels of real property owned or managed by the same person and on which a hotel is located.

2672 (2) "Hotel" means one or more buildings that:

2673 (a) comprise a hotel, as defined by the commission;

2674 (b) are owned or managed by the same person or by a person who has a majority

2675 interest in or can direct or exercise control over the management or policy of the person who

2676 owns or manages any other building under the hotel license within the boundary of the hotel;

2677 (c) primarily operate to provide lodging accommodations;

2678 [(d) provide room service within the boundary of the hotel meeting the requirements of 2679 this title;]

2680 [(e)] (d) have on-premise banquet space and provide on-premise banquet service within 2681 the boundary of the hotel meeting the requirements of this title;

2682 [(f)] (e) have a restaurant or bar establishment within the boundary of the hotel meeting
2683 the requirements of this title; and

2684 [(g)] (f) have at least 40 rooms as temporary sleeping accommodations for 2685 compensation.

2686 Section 33. Section **32B-8b-301** is amended to read:

2687 **32B-8b-301.** Specific operational requirements for hotel license.

2688 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational

2689 Requirements, a hotel licensee, staff of the hotel licensee, and a sublicensee or person

2690 otherwise operating under a sublicense shall comply with this section.

2691 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action

2692	in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2693	(i) the hotel licensee;
2694	(ii) individual staff of the hotel licensee;
2695	(iii) a sublicensee or person otherwise operating under a sublicense of the hotel
2696	licensee;
2697	(iv) individual staff of a sublicensee or person otherwise operating under a sublicense
2698	of the hotel licensee; or
2699	(v) any combination of the persons listed in this Subsection (1)(b).
2700	(2) (a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product
2701	except:
2702	(i) on sublicensed premises;
2703	(ii) pursuant to a permit issued under this title; [or]
2704	(iii) under a package agency agreement with the department, subject to Chapter 2, Part
2705	6, Package Agency[.]; or
2706	(iv) through room service.
2707	(b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as
2708	provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:
2709	(i) if on sublicensed premises, in accordance with the operational requirements
2710	described in Section 32B-8d-104;
2711	(ii) if under a permit issued under this title, in accordance with the operational
2712	requirements under the provisions applicable to the permit; [and]
2713	(iii) if as a package agency, in accordance with the contract with the department and
2714	Chapter 2, Part 6, Package Agency[-]; and
2715	(iv) if through room service, in accordance with Subsection (4).
2716	(c) Notwithstanding the other provisions of this Subsection (2) and except as provided
2717	in Section 32B-8d-104, a hotel licensee may not permit a patron to carry an alcoholic product
2718	off the premises of a sublicense in violation of Section 32B-5-307 or off an area designated
2719	under a permit.
2720	(3) A hotel licensee shall supervise and direct a person involved in the sale, offer for
2721	sale, or furnishing of an alcoholic product under a hotel license.
2722	(4) (a) Room service of an alcoholic product to a lodging accommodation of a hotel

2723	licensee shall be provided in person by staff of the hotel licensee only to an adult occupant in
2724	the lodging accommodation.
2725	(b) An alcoholic product may not be left outside a lodging accommodation for retrieval
2726	by an occupant.
2727	(5) A hotel licensee shall operate in a manner so that at least 70% of the annual
2728	aggregate of the gross receipts related to the sale of food or beverages for the hotel license and
2729	each of the hotel license's sublicenses is from the sale of food, not including:
2730	(a) mix for an alcoholic product; and
2731	(b) a charge in connection with the service of an alcoholic product.
2732	Section 34. Section 32B-8d-103 is amended to read:
2733	32B-8d-103. Commission's power to issue a sublicense.
2734	(1) Before a person as a sublicensee may store, sell, offer for sale, furnish, or allow the
2735	consumption of an alcoholic product on sublicensed premises, the person shall first obtain a
2736	sublicense from the commission in accordance with:
2737	(a) this chapter;
2738	(b) Chapter 8, Resort License Act;
2739	(c) Chapter 8b, Hotel License Act; and
2740	(d) Chapter 8c, Arena License Act.
2741	(2) (a) The commission may issue to a person a sublicense to allow the storage, sale,
2742	offering for sale, furnishing, or consumption of an alcoholic product on the premises of the
2743	sublicense, if the person is:
2744	(i) a principal licensee; or
2745	(ii) a person seeking a principal license, contingent on the issuance of the principal
2746	license.
2747	(b) The commission may not:
2748	(i) issue a sublicense that is separate from a principal license; or
2749	(ii) issue a single sublicense that covers more than one outlet in or on the boundaries of
2750	the principal licensee.
2751	(3) [(a) Except as provided in Subsection (3)(b), when] When determining the total
2752	number of licenses the commission has issued for each type of retail license, the commission
2753	may not include a sublicense as one of the retail licenses issued under the provisions applicable

2754	to that sublicense.
2755	[(b) If a resort license includes a sublicense that before the issuance of the resort
2756	license was a retail license that was not a bar establishment license, the commission shall
2757	include the sublicense as a license in calculating the total number of licenses issued under the
2758	provisions applicable to the sublicense.]
2759	(4) If a principal licensee seeks to add a sublicense after the commission issues the
2760	person's principal license, the principal licensee shall file with the department:
2761	(a) a nonrefundable \$300 application fee;
2762	(b) an initial license fee of \$2,250, which the commission shall refund if the
2763	commission does not issue the proposed sublicense;
2764	(c) written consent of the local authority;
2765	(d) a copy of:
2766	(i) the principal licensee's current business; and
2767	(ii) the proposed sublicensee's current business license, if the relevant political
2768	subdivision determines that the proposed sublicensee's business license is separate from the
2769	principal licensee's business license;
2770	(e) evidence that the proposed sublicensed premises is entirely within the boundary of
2771	the principal license;
2772	(f) a description, floor plan, and boundary map of the proposed sublicensed premises
2773	designating:
2774	(i) each location at which the principal licensee proposes that an alcoholic product be
2775	stored; and
2776	(ii) each location from which the principal licensee proposes that an alcoholic product
2777	be sold, furnished, or consumed;
2778	(g) evidence that the principal licensee carries:
2779	(i) public liability insurance in an amount and form satisfactory to the department; and
2780	(ii) dramshop insurance coverage in the amount required by Section 32B-5-201 that
2781	covers the proposed sublicense;
2782	(h) a signed consent form stating that the principal licensee will permit any authorized
2783	representative of the commission or department, or any law enforcement officer, to have an
2784	unrestricted right to enter the proposed sublicensed premises;

2785	(i) if the principal licensee is an entity, proper verification evidencing that a person
2786	who signs the application is authorized to sign on behalf of the entity; and
2787	(j) any other information the commission or department may require.
2788	Section 35. Section 32B-8d-205 is amended to read:
2789	32B-8d-205. Specific operational requirements for a spa sublicense.
2790	(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2791	Requirements, a resort licensee, staff of the resort licensee, a hotel licensee, and staff of the
2792	hotel licensee, shall comply with this section.
2793	(b) A spa sublicensee or a person otherwise operating under a spa sublicense and staff
2794	of a spa sublicensee or a person otherwise operating under a spa sublicense shall comply with:
2795	(i) Chapter 5, Part 3, Retail Licensee Operational Requirements as if the spa
2796	sublicensee is a retail licensee, unless a provision conflicts with this chapter; and
2797	(ii) this chapter.
2798	(c) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
2799	may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and
2800	Enforcement Act, against:
2801	(i) a resort licensee;
2802	(ii) staff of a resort licensee;
2803	(iii) a hotel licensee;
2804	(iv) staff of a hotel licensee;
2805	(v) a spa sublicensee or person otherwise operating under a spa sublicense;
2806	(vi) individual staff of a spa sublicensee or person otherwise operating under a spa
2807	sublicense; or
2808	(vii) any combination of the persons listed in Subsections (1)(c)(i) through (vi).
2809	(2) (a) For purposes of the spa sublicense, the corresponding resort licensee or hotel
2810	licensee shall ensure that a record is maintained or used for the spa sublicense:
2811	(i) as the department requires; and
2812	(ii) for a minimum period of three years.
2813	(b) A spa sublicensee record is subject to inspection by an authorized representative of
2814	the commission and the department.
2815	(c) A resort licensee or a hotel licensee shall allow the department, through a

2816	compliance officer of the department, to audit the records for a spa sublicense at the times the
2817	department considers advisable.
2818	(d) The department shall audit the records for a spa sublicense at least once annually.
2819	(e) Section 32B-1-205 applies to a record required to be made, maintained, or used in
2820	accordance with this Subsection (2).
2821	(3) (a) A spa sublicensee or person operating under a spa sublicense may not sell, offer
2822	for sale, or furnish liquor at a spa during a period that:
2823	(i) begins at 1 a.m.; and
2824	(ii) ends at 9:59 a.m.
2825	(b) A spa sublicensee or person operating under a spa sublicense may sell, offer for
2826	sale, or furnish beer during the hours specified in Chapter 6, Part 7, On-Premise Beer Retailer
2827	License, for an on-premise beer retailer.
2828	(c) (i) Notwithstanding Subsections (3)(a) and (b), a spa shall remain open for one hour
2829	after the spa ceases the sale and furnishing of an alcoholic product during which time a person
2830	at the spa may finish consuming:
2831	(A) a single drink containing spirituous liquor;
2832	(B) except as provided in Subsection $(3)(c)(i)(C)$, a single serving of wine not
2833	exceeding five ounces;
2834	(C) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed
2835	container and contains no more than 5% of alcohol by volume;
2836	[(C)] (D) a single serving of heavy beer;
2837	[(D)] (E) a single serving [of beer] not exceeding 26 ounces of beer; or
2838	[(E)] (F) a single serving of a flavored malt beverage.
2839	(ii) A spa is not required to remain open:
2840	(A) after all individuals have vacated the spa sublicensee's sublicensed premises; or
2841	(B) during an emergency.
2842	(4) (a) A minor may not be admitted into, use, or be on the sublicensed premises of a
2843	spa sublicense unless accompanied by an individual 21 years old or older.
2844	(b) A minor permitted under Subsection (4)(a) to be admitted into, use, or be on the
2845	sublicensed premises of a spa sublicense:
2846	(i) may only be admitted into or be on a lounge or bar area of the spa sublicensee's

2847	sublicensed premises momentarily while en route to another area of the spa; and
2848	(ii) may not remain or sit in the lounge or bar area of the spa sublicensee's sublicensed
2849	premises.
2850	(5) A spa sublicensee shall have food available at all times when an alcoholic product
2851	is sold, offered for sale, furnished, or consumed on the spa sublicensee's sublicensed premises.
2852	(6) (a) Subject to the other provisions of this Subsection (6), a patron may not have
2853	more than two alcoholic products of any kind at a time before the patron.
2854	(b) A spa patron may not have two spirituous liquor drinks before the spa patron if one
2855	of the spirituous liquor drinks consists only of the primary spirituous liquor for the other
2856	spirituous liquor drink.
2857	(c) An individual portion of wine is considered to be one alcoholic product under this
2858	Subsection (6).
2859	(7) (a) An alcoholic product may only be consumed at a table or counter.
2860	(b) An alcoholic product may not be served to or consumed by a patron at a dispensing
2861	structure.
2862	(8) (a) A spa sublicensee or person operating under a spa sublicense shall have
2863	available on the spa sublicense's sublicensed premises for a patron to review at the time that the
2864	patron requests it, a written alcoholic product price list or a menu containing the price of an
2865	alcoholic product sold or furnished by the spa sublicensee including:
2866	(i) a set-up charge;
2867	(ii) a service charge; or
2868	(iii) a chilling fee.
2869	(b) A charge or fee made in connection with the sale, service, or consumption of liquor
2870	may be stated in food or alcoholic product menus including:
2871	(i) a set-up charge;
2872	(ii) a service charge; or
2873	(iii) a chilling fee.
2874	(9) (a) A resort licensee or hotel licensee shall own or lease premises suitable for the
2875	spa sublicense's activities.
2876	(b) A resort licensee or hotel licensee may not maintain premises in a manner that
2877	barricades or conceals the spa sublicense's operation.

2878	(10) Subject to the other provisions of this section, a spa sublicensee or person
2879	operating under a spa sublicense may not sell an alcoholic product to or allow an individual to
2880	be admitted to or use the spa sublicensee's sublicensed premises other than:
2881	(a) a resident; or
2882	(b) a customer.
2883	Section 36. Section 32B-9-202 is amended to read:
2884	32B-9-202. Duties before issuing event permit.
2885	(1) (a) Before the director may issue an event permit, the department shall conduct an
2886	investigation and may hold public hearings to gather information and make recommendations
2887	to the director as to whether the director should issue an event permit.
2888	(b) The department shall [forward] provide the information and recommendations
2889	described in Subsection (1)(a) to the director [and the Compliance, Licensing, and Enforcement
2890	Subcommittee] to aid in the director's determination.
2891	(2) Before issuing an event permit, the director shall:
2892	(a) determine that the person filed a complete application and is in compliance with:
2893	(i) Section 32B-9-201; and
2894	(ii) the relevant part under this chapter for the type of event permit for which the
2895	person is applying;
2896	(b) determine that the person is not disqualified under Section 32B-1-304;
2897	(c) consider the purpose of the organization or its local lodge, chapter, or other local
2898	unit;
2899	(d) consider the times, dates, location, estimated attendance, nature, and purpose of the
2900	event;
2901	(e) to minimize the risk of minors being sold or furnished alcohol or adults being
2902	overserved alcohol at the event, determine that adequate and appropriate control measures and
2903	adequate and appropriate enforcement measures are in place at the event to assure that minors
2904	will not be sold or furnished alcohol and that adults will not be overserved, except that
2905	adequate and appropriate control and enforcement measures may be different for small, large,
2906	indoor, or outdoor events;
2907	(f) determine that the event permit is not being sought by the person as a means to
2908	circumvent other applicable requirements of this title, notwithstanding that the applicant may

2909	hold one or more licenses issued under this title;
2910	(g) consider, for the period of three years before the date of the event, the violation
2911	history of:
2912	(i) the applicant; and
2913	(ii) the venue where the event will be held;
2914	(h) provide the information and recommendations described in Subsection (1) to, and
2915	obtain the approval of, the Compliance, Licensing, and Enforcement Subcommittee [before
2916	issuing an event permit];
2917	(i) notify each commissioner [at least three business days] before the director issues the
2918	event permit in accordance with Subsection (3); and
2919	(j) consider any other factor the director considers necessary.
2920	(3) (a) [The] Except as provided in Subsections (3)(d) and (e), the director shall
2921	[inform] notify each commissioner of the director's preliminary decision to issue or deny the
2922	issuance of an event permit three business days before the day on which the decision is to be
2923	final.
2924	(b) The preliminary decision becomes a final decision of the director <u>unless</u> :
2925	(i) [unless] within three business days [of receipt of] after the day on which the notice
2926	is received at least three of the commissioners request a meeting to discuss whether the event
2927	permit should be issued; or
2928	(ii) the director modifies or revokes the preliminary decision to issue or deny issuance
2929	of the event permit.
2930	(c) If three or more of the commissioners request a meeting[;]:
2931	(i) the applicant for the event permit shall be notified; and
2932	(ii) the commission shall:
2933	[(i)] (A) [shall] hold a meeting on the application for an event permit no later than the
2934	next regularly scheduled meeting of the commission; and
2935	[(ii)] (B) [shall] issue the event permit if the applicant meets the requirements of this
2936	chapter or [shall] deny issuance of the event permit if the applicant fails to meet the
2937	requirements of this chapter.
2938	(d) The commission may waive the three business day notice period described in
2939	Subsection (3)(a) on behalf of a commissioner.

2940	[(d)] (e) (i) [Notwithstanding the other provisions of this Subsection (3), the] The
2941	director may at any time refer an application for an event permit directly to the commission for
2941	
	a determination as to whether an event permit should be issued or denied.
2943	$\left[\frac{(e)}{(ii)}\right]$ For purposes of this title, an event permit issued by the commission is to be
2944	treated the same as an event permit issued by the director.
2945	(f) If the commission finds that an event permit was improperly issued or that the
2946	permittee has violated this chapter, the commission may take any action permitted under this
2947	title.
2948	(4) Once the director issues an event permit, the department shall send a copy of the
2949	approved application and the event permit by written or electronic means to the state and local
2950	law enforcement authorities at least three days before the event.
2951	(5) The director shall provide the commission a monthly report of the actions taken by
2952	the director under this part.
2953	(6) If authorized by the director, the deputy director may act on behalf of the director
2954	for purposes of issuing an event permit under this chapter.
2955	Section 37. Section 32B-11-209 is amended to read:
2956	32B-11-209. Notifying department of change in ownership.
2957	The commission may suspend [or], revoke, or deem forfeited a manufacturing license if
2958	the manufacturing licensee does not immediately notify the department of a change in:
2959	(1) ownership of the manufacturing licensee;
2960	(2) for a corporate owner, the:
2961	(a) corporate officers or directors; or
2962	(b) shareholders holding at least 20% of the total issued and outstanding stock of the
2963	corporation; or
2964	(3) for a limited liability company:
2965	(a) managers; or
2966	(b) members owning at least 20% of the limited liability company.
2967	Section 38. Section 32B-11-210 is amended to read:
2968	32B-11-210. Tasting provided by manufacturing licensee.
2969	(1) As used in this section:
2970	(a) "Parcel" means the same identifiable contiguous unit of property that is treated as

2971	separate for valuation or zoning purposes and includes an improvement on that unit of
2972	property.
2973	(b) "Taste" means an amount of an alcoholic product provided by a manufacturing
2974	licensee for consumption under this section.
2975	(2) A manufacturing licensee may provide for a tasting in accordance with this section.
2976	(3) Before conducting a tasting, the manufacturing licensee shall provide the
2977	department:
2978	(a) evidence of proximity to any community location, with proximity requirements
2979	being governed by Section 32B-1-202 as if the manufacturing licensee were a retail licensee;
2980	(b) a floor plan, and boundary map where applicable, of the premises of the
2981	manufacturing licensee, including any:
2982	(i) consumption area; and
2983	(ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
2984	product to be tasted;
2985	(c) evidence that the manufacturing licensee is carrying public liability insurance in an
2986	amount and form satisfactory to the department;
2987	(d) evidence that the manufacturing licensee is carrying dramshop insurance coverage
2988	in an amount and form satisfactory to the department; and
2989	(e) any other information the commission or department may require.
2990	(4) A manufacturing licensee may not sell, offer for sale, or furnish a taste on any day
2991	during the period that:
2992	(a) begins at midnight; and
2993	(b) ends at 10:59 a.m.
2994	(5) A person who serves a taste on behalf of the manufacturing licensee shall complete
2995	an alcohol training and education seminar as if the person were employed by a retail licensee.
2996	(6) (a) A manufacturing licensee shall establish a distinct area for consumption of a
2997	taste outside the view of minors on the licensed premises and in which minors are not allowed
2998	during the time period when tasting occurs.
2999	(b) The distinct area for consumption for a taste established under this Subsection (6)
3000	shall be in the same building as where the manufacturing licensee produces alcoholic product,
3001	in a building on the same parcel as the building where the manufacturing licensee produces

3002	alcoholic product, or in a patio or similar area immediately adjacent to a building described in
3003	this Subsection (6)(b).
3004	(7) (a) A manufacturing licensee shall have substantial food available that is served on
3005	the licensed premises to an individual consuming a taste.
3006	(b) The commission may define what constitutes "substantial food" by rule made in
3007	accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except that the
3008	rule may not require culinary facilities for food preparation that are equivalent to a restaurant or
3009	dining club.
3010	(8) A manufacturing licensee shall charge an individual for a taste and may not sell,
3011	offer for sale, or furnish a taste at less than the cost of the taste to a retail licensee.
3012	(9) (a) A manufacturing licensee may provide a taste in more than one container except
3013	that the aggregate total of the taste in all of the containers may not exceed:
3014	(i) [5 ounces of wine] for a winery manufacturing licensee[;]:
3015	(A) except as provided in Subsection (9)(a)(i)(B), five ounces of wine; or
3016	(B) 16 ounces of hard cider that is furnished in a sealed container and contains no more
3017	than 5% of alcohol by volume;
3018	(ii) for a distillery manufacturing licensee, 2.5 ounces of spirituous liquor [for a
3019	distillery manufacturing licensee]; or
3020	(iii) for a brewery manufacturing licensee, 16 ounces of beer, heavy beer, or flavored
3021	malt beverages [for a brewery manufacturing licensee].
3022	(b) A manufacturing licensee may not allow an individual to participate in more than
3023	one tasting within a calendar day.
3024	(10) A manufacturing licensee may provide a taste of alcoholic product that is:
3025	(a) manufactured by the manufacturing licensee; and
3026	(b) purchased by the manufacturing licensee from:
3027	(i) a state store or package agency; or
3028	(ii) for beer, the off-premise retail licensee described in Subsection 32B-11-503(4)(c).
3029	(11) (a) A manufacturing licensee shall display in a prominent place in the location
3030	where tastes are consumed a sign in large letters that consists of text in the following order:
3031	(i) a header that reads: "WARNING";
3032	(ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy

3033 can cause birth defects and permanent brain damage for the child.";

3034 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
 3035 <u>Human Services</u> at [insert most current toll-free number] with questions or for more
 3036 information.";

3037 (iv) a header that reads: "WARNING"; and

3038 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a
3039 serious crime that is prosecuted aggressively in Utah."

3040 (b) (i) The text described in Subsections (11)(a)(i) through (iii) shall be in a different
3041 font style than the text described in Subsections (11)(a)(iv) and (v).

3042 (ii) The warning statements in the sign described in Subsection (11)(a) shall be in the3043 same font size.

3044 (c) The Department of Health <u>and Human Services</u> shall work with the commission
 3045 and department to facilitate consistency in the format of a sign required under this Subsection
 3046 (11).

3047 (12) A manufacturing licensee shall provide educational information as defined by rule
3048 by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3049 Act, as part of the tasting.

3050 (13) A manufacturing licensee that conducts tastings under a scientific or educational
3051 use permit issued by the commission as of May 10, 2016, shall comply with this section by no
3052 later than December 31, 2016, in conducting a tasting. In accordance with Subsection
3053 32B-10-206(1)(c), effective no later than January 1, 2017, the commission shall take action on
3054 a scientific or educational use permit used by a manufacturing licensee to conduct tastings.

3055 Section 39. Section **32B-11-609** is amended to read:

3056 **32B-11-609.** Notifying department of change in ownership.

The commission may suspend [or], revoke, or deem forfeited a local industry representative license if a local industry representative licensee does not [immediately] notify the department, within 60 days after the day on which the change occurs, of a change in:

- 3060 (1) ownership of the business;
- 3061 (2) for a corporate owner, the:
- 3062 (a) corporate officers or directors; or
- 3063 (b) shareholders holding at least 20% of the total issued and outstanding stock of the

3064	corporation; or
3065	(3) for a limited liability company:
3066	(a) managers; or
3067	(b) members owning at least 20% of the limited liability company.
3068	Section 40. Section 32B-12-302 is amended to read:
3069	32B-12-302. Notifying the department of change in ownership.
3070	The commission may suspend [or], revoke, or deem forfeited a liquor warehousing
3071	license if a liquor warehouser licensee does not [immediately] notify the department, within 60
3072	days after the day on which the change occurs, of a change in:
3073	(1) ownership of the liquor warehouser licensee;
3074	(2) for a corporate owner, the:
3075	(a) corporate officers or directors; or
3076	(b) shareholders holding at least 20% of the total issued and outstanding stock of the
3077	corporation; or
3078	(3) for a limited liability company:
3079	(a) managers; or
3080	(b) members owning at least 20% of the limited liability company.
3081	Section 41. Section 32B-17-102 is amended to read:
3082	32B-17-102. Definitions.
3083	As used in this chapter:
3084	(1) "Airport licensee" means a person who holds a valid:
3085	(a) retail license for premises located at an international airport or domestic airport; or
3086	(b) special use permit for premises located at an international airport or domestic
3087	airport.
3088	(2) "Central receiving and distribution center" means a facility that:
3089	(a) operates at an international airport or domestic airport;
3090	(b) receives goods and supplies delivered to the international airport or domestic
3091	airport for an airport licensee;
3092	(c) screens the goods and supplies described in Subsection (2)(b) for security purposes;
3093	and
3094	(d) distributes the goods and supplies described in Subsection (2)(b) to the airport

3095	licensee for whom the goods and supplies were delivered.
3096	Section 42. Section 32B-18-204 is amended to read:
3097	32B-18-204. Notifying department of change in ownership.
3098	The commission may suspend [or], revoke, or deem forfeited an alcohol license if the
3099	alcohol licensee does not notify the department, within 60 days after the day on which the
3100	change occurs, of a change in:
3101	(1) ownership of the business entity holding the alcohol license;
3102	(2) for a corporate owner, the:
3103	(a) corporate officers or directors of the alcohol licensee; or
3104	(b) shareholders holding at least 20% of the total issued and outstanding stock of the
3105	corporation; or
3106	(3) for a limited liability company:
3107	(a) managers of the limited liability company; or
3108	(b) members owning at least 20% of the limited liability company.
3109	Section 43. Section 32B-18-205 is amended to read:
3110	32B-18-205. Management agreements Inventory transfers.
3111	(1) (a) A management agreement may provide for the sharing of revenue from a
3112	business utilizing an alcohol license, including revenue from the sale of an alcoholic product,
3113	if, regardless of which party holds the alcohol license, [all parties to the management
3114	agreement qualify under Section 32B-1-304 to hold the license.] neither the owner nor operator
3115	is disqualified from holding the license for a previous violation of this title.
3116	(b) The parties to a management agreement shall submit to the department:
3117	(i) a copy of the management agreement; and
3118	(ii) any other information the department requires.
3119	(c) If there is a material change to the management agreement submitted to the
3120	department under Subsection (1)(b), the parties to the management agreement shall submit to
3121	the department the following within 30 days after the day on which the change occurs:
3122	(i) a copy of the changed management agreement; and
3123	(ii) any other information the department requires.
3124	(2) (a) Notwithstanding any other provision of this title, in connection with a change of
3125	ownership described in Section 32B-18-202 or an asset sale of an alcohol licensee, the parties

3126	to the transaction may enter into an inventory transfer agreement.
3127	(b) The inventory transfer agreement described in Subsection (2)(a) may allow for the
3128	transfer of inventory between parties regardless of whether the parties hold or are applying for
3129	the same retail license.
3130	(3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative
3131	Rulemaking Act, the commission may make rules governing the requirements of:
3132	(a) a management agreement; or
3133	(b) an inventory transfer agreement.
3134	Section 44. Section 62A-15-401 is amended to read:
3135	62A-15-401. Alcohol training and education seminar.
3136	(1) As used in this [part] section:
3137	(a) "Instructor" means a person that directly provides the instruction during an alcohol
3138	training and education seminar for a seminar provider.
3139	(b) "Licensee" means a person who is:
3140	(i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;
3141	and
3142	(B) engaged in the retail sale of an alcoholic product for consumption on the premises
3143	of the licensee; or
3144	(ii) a business that is:
3145	(A) a new or renewing licensee licensed by a city, town, or county; and
3146	(B) engaged in the retail sale of beer for consumption off the premises of the licensee.
3147	(c) "Licensee staff" means a retail manager, retail staff, an off-premise retail manager,
3148	or off-premise retail staff.
3149	[(c)] (d) "Off-premise beer retailer" is as defined in Section 32B-1-102.
3150	(e) "Off-premise retail manager" means the same as that term is defined in Section
3151	<u>32B-1-701</u>
3152	(f) "Off-premise retail staff" means the same as that term is defined in Section
3153	<u>32B-1-701</u>
3154	(g) "Retail manager" means the same as that term is defined in Section <u>32B-1-701</u> .
3155	(h) "Retail staff" means the same as that term is defined in Section 32B-1-701.
3156	$\left[\frac{d}{d}\right]$ (i) "Seminar provider" means a person other than the division who provides an

3157	alcohol training and education seminar meeting the requirements of this section.
3158	(2) (a) This section applies to [:] licensee staff.
3159	[(i) a retail manager as defined in Section 32B-1-701;]
3160	[(ii) retail staff as defined in Section 32B-1-701; and]
3161	[(iii) an individual who, as defined by division rule:]
3162	[(A) directly supervises the sale of beer to a customer for consumption off the premises
3163	of an off-premise beer retailer; or]
3164	[(B) sells beer to a customer for consumption off the premises of an off-premise beer
3165	retailer.]
3166	(b) [If the] An individual who does not have a valid record that the individual has
3167	completed an alcohol training and education seminar[, an individual described in Subsection
3168	(2)(a)] shall:
3169	(i) complete an alcohol training and education seminar before the day on which the
3170	individual begins work as licensee staff of a licensee; and
3171	[(i) (A) complete an alcohol training and education seminar within 30 days of the
3172	following if the individual is described in Subsection (2)(a)(i) or (ii):]
3173	[(1) if the individual is an employee, the day the individual begins employment;]
3174	[(II) if the individual is an independent contractor, the day the individual is first hired;
3175	or]
3176	[(III) if the individual holds an ownership interest in the licensee, the day that the
3177	individual first engages in an activity that would result in that individual being required to
3178	complete an alcohol training and education seminar; or]
3179	[(B) complete an alcohol training and education seminar within the time periods
3180	specified in Subsection 32B-1-703(1) if the individual is described in Subsection (2)(a)(iii)(A)
3181	or (B); and]
3182	(ii) pay a fee[:]
3183	[(A)] to the seminar provider[; and]
3184	[(B)] that is equal to or greater than the amount established under Subsection (4)(h).
3185	(c) An individual shall have a valid record that the individual completed an alcohol
3186	training and education seminar within the time period provided in this Subsection (2) to
3187	[engage in an activity described in Subsection (2)(a)] act as licensee staff.

3188 (d) A record that [an individual] licensee staff has completed an alcohol training and 3189 education seminar is valid for[:] 3190 [(i)] three years [from] after the day on which the record is issued [for an individual 3191 described in Subsection (2)(a)(i) or (ii); and]. 3192 [(ii) five years from the day on which the record is issued for an individual described in 3193 Subsection (2)(a)(iii)(A) or (B).] 3194 (e) [On and after July 1, 2011, to] To be considered as having completed an alcohol 3195 training and education seminar, an individual shall: 3196 (i) attend the alcohol training and education seminar and take any test required to 3197 demonstrate completion of the alcohol training and education seminar in the physical presence 3198 of an instructor of the seminar provider; or 3199 (ii) complete the alcohol training and education seminar and take any test required to 3200 demonstrate completion of the alcohol training and education seminar through an online course or testing program that meets the requirements described in Subsection (2)(f). 3201 3202 (f) (i) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah 3203 Administrative Rulemaking Act, establish one or more requirements for an online course or 3204 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of 3205 the online course or testing program. 3206 (ii) In developing the requirements by rule, the division shall consider whether to 3207 require: 3208 $\left[\frac{1}{1}\right]$ (A) authentication that the an individual accurately identifies the individual as 3209 taking the online course or test; 3210 [(ii)] (B) measures to ensure that an individual taking the online course or test is 3211 focused on training material throughout the entire training period; 3212 [(iii)] (C) measures to track the actual time an individual taking the online course or 3213 test is actively engaged online; 3214 [(iv)] (D) a seminar provider to provide technical support, such as requiring a 3215 telephone number, email, or other method of communication that allows an individual taking 3216 the online course or test to receive assistance if the individual is unable to participate online 3217 because of technical difficulties: 3218 $\left[\frac{1}{2}\right]$ (E) a test to meet quality standards, including randomization of test questions and

3219	maximum time limits to take a test;
3220	[(vi)] (F) a seminar provider to have a system to reduce fraud as to who completes an
3221	online course or test, such as requiring a distinct online certificate with information printed on
3222	the certificate that identifies the person taking the online course or test, or requiring measures
3223	to inhibit duplication of a certificate;
3224	[(vii)] (G) measures for the division to audit online courses or tests;
3225	[(viii)] (H) measures to allow an individual taking an online course or test to provide
3226	an evaluation of the online course or test;
3227	[(ix)] (I) a seminar provider to track the Internet protocol address or similar electronic
3228	location of an individual who takes an online course or test;
3229	[(x)] (J) an individual who takes an online course or test to use an e-signature; or
3230	[(xi)] (K) a seminar provider to invalidate a certificate if the seminar provider learns
3231	that the certificate does not accurately reflect the individual who took the online course or test.
3232	(3) (a) A licensee may not permit an individual who is not in compliance with
3233	Subsection (2) to:
3234	(i) serve or supervise the serving of an alcoholic product to a customer for
3235	consumption on the premises of the licensee;
3236	(ii) engage in any activity that would constitute managing operations at the premises of
3237	a licensee that engages in the retail sale of an alcoholic product for consumption on the
3238	premises of the licensee;
3239	(iii) directly supervise the sale of beer to a customer for consumption off the premises
3240	of an off-premise beer retailer; or
3241	(iv) sell beer to a customer for consumption off the premises of an off-premise beer
3242	retailer.
3243	(b) A licensee that violates Subsection (3)(a) is subject to Section 32B-1-702.
3244	(4) The division shall:
3245	(a) (i) provide alcohol training and education seminars; or
3246	(ii) certify one or more seminar providers;
3247	(b) establish the curriculum for an alcohol training and education seminar that includes
3248	the following subjects:
3249	(i) (A) alcohol as a drug; and

03-02-23 4:09 PM 5th Sub. (Gray) S.B. 173 3250 (B) alcohol's effect on the body and behavior; 3251 (ii) recognizing the problem drinker or signs of intoxication; 3252 (iii) an overview of state alcohol laws related to responsible beverage sale or service, 3253 as determined in consultation with the Department of Alcoholic Beverage Services; 3254 (iv) dealing with the problem customer, including ways to terminate sale or service; 3255 and 3256 (v) for those supervising or engaging in the retail sale of an alcoholic product for 3257 consumption on the premises of a licensee, alternative means of transportation to get the 3258 customer safely home; 3259 (c) recertify each seminar provider every three years: 3260 (d) monitor compliance with the curriculum described in Subsection (4)(b); 3261 (e) maintain for at least five years a record of every person who has completed an 3262 alcohol training and education seminar: 3263 (f) provide the information described in Subsection (4)(e) on request to: (i) the Department of Alcoholic Beverage Services; 3264 3265 (ii) law enforcement; or 3266 (iii) a person licensed by the state or a local government to sell an alcoholic product; 3267 (g) provide the Department of Alcoholic Beverage Services on request a list of any 3268 seminar provider certified by the division; and 3269 (h) establish a fee amount for each person attending an alcohol training and education 3270 seminar that is sufficient to offset the division's cost of administering this section. 3271 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah 3272 Administrative Rulemaking Act: 3273 [(a) define what constitutes under this section an individual who:] 3274 [(i) manages operations at the premises of a licensee engaged in the retail sale of an 3275 alcoholic product for consumption on the premises of the licensee;] 3276 [(ii) supervises the serving of an alcoholic product to a customer for consumption on 3277 the premises of a licensee;] 3278 [(iii) serves an alcoholic product to a customer for consumption on the premises of a 3279 licensee;] 3280 (iv) directly supervises the sale of beer to a customer for consumption off the premises

3281	of an off-premise beer retailer; or]
3282	[(v) sells beer to a customer for consumption off the premises of an off-premise beer
3283	retailer;]
3284	[(b)] (a) establish criteria for certifying and recertifying a seminar provider; and
3285	[(c)] (b) establish guidelines for the manner in which an instructor provides an alcohol
3286	education and training seminar.
3287	(6) A seminar provider shall:
3288	(a) obtain recertification by the division every three years;
3289	(b) ensure that an instructor used by the seminar provider:
3290	(i) follows the curriculum established under this section; and
3291	(ii) conducts an alcohol training and education seminar in accordance with the
3292	guidelines established by rule;
3293	(c) ensure that any information provided by the seminar provider or instructor of a
3294	seminar provider is consistent with:
3295	(i) the curriculum established under this section; and
3296	(ii) this section;
3297	(d) provide the division with the names of all persons who complete an alcohol training
3298	and education seminar provided by the seminar provider;
3299	(e) (i) collect a fee for each person attending an alcohol training and education seminar
3300	in accordance with Subsection (2); and
3301	(ii) forward to the division the portion of the fee that is equal to the amount described
3302	in Subsection (4)(h); and
3303	(f) issue a record to an individual that completes an alcohol training and education
3304	seminar provided by the seminar provider.
3305	(7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
3306	Administrative Procedures Act, the division finds that a seminar provider violates this section
3307	or that an instructor of the seminar provider violates this section, the division may:
3308	(i) suspend the certification of the seminar provider for a period not to exceed 90 days
3309	after the day on which the suspension begins;
3310	(ii) revoke the certification of the seminar provider;
3311	(iii) require the seminar provider to take corrective action regarding an instructor; or

3312	(iv) prohibit the seminar provider from using an instructor until such time that the
3313	seminar provider establishes to the satisfaction of the division that the instructor is in
3314	compliance with Subsection (6)(b).
3315	(b) The division may certify a seminar provider whose certification is revoked:
3316	(i) no sooner than 90 days [from the date] after the day on which the certification is
3317	revoked; and
3318	(ii) if the seminar provider establishes to the satisfaction of the division that the
3319	seminar provider will comply with this section.
3320	Section 45. Section 63I-2-232 is amended to read:
3321	63I-2-232. Repeal dates: Title 32B.
3322	[(1) Subsection 32B-1-102(9) is repealed July 1, 2022.]
3323	[(2) Subsection 32B-1-407(3)(d) is repealed July 1, 2022.]
3324	[(3) Subsections 32B-6-202(3) and (4) are repealed July 1, 2022.]
3325	[(4) Section 32B-6-205 is repealed July 1, 2022.]
3326	[(5) Subsection 32B-6-205.2(16) is repealed July 1, 2022.]
3327	[(6) Section 32B-6-205.3 is repealed July 1, 2022.]
3328	[(7) Subsections 32B-6-302(3) and (4) are repealed July 1, 2022.]
3329	[(8) Section 32B-6-305 is repealed July 1, 2022.]
3330	[(9) Subsection 32B-6-305.2(15) is repealed July 1, 2022.]
3331	[(10) Section 32B-6-305.3 is repealed July 1, 2022.]
3332	[(11) Section 32B-6-404.1 is repealed July 1, 2022.]
3333	[(12) Section 32B-6-409 is repealed July 1, 2022.]
3334	[(13) Subsection 32B-6-703(2)(e)(iii) is repealed July 1, 2022.]
3335	[(14) Subsections 32B-6-902(1)(c), (1)(d), and (2) are repealed July 1, 2022.]
3336	[(15) Section 32B-6-905 is repealed July 1, 2022.]
3337	[(16) Subsection 32B-6-905.1(15) is repealed July 1, 2022.]
3338	[(17) Section 32B-6-905.2 is repealed July 1, 2022.]
3339	[(18) Subsection 32B-8d-104(3) is repealed July 1, 2022.] Subsection 32B-1-603.5(7),
3340	regarding the Department of Alcoholic Beverage Services' review of beer that is sold or
3341	distributed in the state, is repealed December 31, 2024.