

Representative Jefferson S. Burton proposes the following substitute bill:

ALCOHOL AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This bill modifies provisions related to alcohol.

Highlighted Provisions:

This bill:

- ▶ requires the director of the Department of Alcoholic Beverage Services to form a workgroup to make recommendations related to:
 - alcohol training and education for licensees; and
 - recordkeeping for certain cash transactions involving the sale of an alcoholic beverage;
- ▶ authorizes the department to establish a round up program, under which a state store customer could elect to round up the customer's purchase to the nearest dollar to help fund substance use disorder treatment services;
- ▶ increases the state markup on spirituous liquor, wine, and flavored malt beverages;
- ▶ clarifies the markup on spirituous liquor, wine, heavy beer, and flavored malt beverages sold by a package agency located at a manufacturing facility;
- ▶ increases the tax on beer and uses the additional revenue to fund three new alcohol-related law enforcement officers who are dedicated to compliance;
- ▶ prohibits a state store or off-premise beer retailer from selling liquor or beer that is



- 26 intended to be frozen and consumed in a manner other than as a beverage;
- 27 ▶ requires the department to initiate disciplinary proceedings under certain
- 28 circumstances;
- 29 ▶ prohibits a person from selling in the state:
- 30 • liquor that contains more than 80% alcohol by volume; or
- 31 • vaporized alcohol;
- 32 ▶ requires the commission to issue any available retail license, including through a
- 33 conditional retail license, if an applicant satisfies the requirements for the retail
- 34 license;
- 35 ▶ allows a retail licensee to sell, offer for sale, or furnish spirituous liquor in a
- 36 pre-mixed beverage, if the beverage is in the original, sealed container and satisfies
- 37 other requirements, including requirements related to volume, alcohol content, and
- 38 labeling;
- 39 ▶ increases the number of full-service restaurant and bar establishment licenses the
- 40 commission is authorized to issue;
- 41 ▶ requires the department to prorate the initial licensing fee for retail licenses;
- 42 ▶ decreases the required capacity of a sports facility or concert venue to qualify as a
- 43 recreational amenity for purposes of an on-premise beer retailer license;
- 44 ▶ provides that a patron in a hotel with a hotel license or resort license may carry an
- 45 alcoholic beverage between specified locations within the hotel, provided the patron
- 46 travels within a designated conveyance area and the alcoholic beverage is in an
- 47 approved container;
- 48 ▶ allows an entity that is not an airline to obtain a public service permit for the
- 49 purpose of operating a hospitality room at an international airport;
- 50 ▶ modifies the required showing for prima facie evidence of dram shop liability;
- 51 ▶ allows an individual to obtain a DUI investigative report if the individual suffered
- 52 loss or injury as a result of the defendant's actions;
- 53 ▶ establishes a place of last drink program, operated by the Department of Public
- 54 Safety;
- 55 ▶ clarifies that the beer tax applies to beer and heavy beer;
- 56 ▶ repeals the Alcoholic Beverage Services Advisory Board; and

57 ▶ makes technical and conforming changes.

58 **Money Appropriated in this Bill:**

59 None

60 **Other Special Clauses:**

61 None

62 **Utah Code Sections Affected:**

63 **AMENDS:**

- 64 **32B-1-304**, as last amended by Laws of Utah 2023, Chapter 371
- 65 **32B-2-205**, as last amended by Laws of Utah 2022, Chapter 447
- 66 **32B-2-304**, as last amended by Laws of Utah 2022, Chapter 447
- 67 **32B-2-305**, as last amended by Laws of Utah 2023, Chapter 396
- 68 **32B-2-503**, as last amended by Laws of Utah 2011, Chapters 307, 334
- 69 **32B-3-203**, as last amended by Laws of Utah 2012, Chapter 369
- 70 **32B-4-401**, as last amended by Laws of Utah 2016, Chapter 266
- 71 **32B-4-422**, as last amended by Laws of Utah 2020, Chapter 219
- 72 **32B-4-424**, as enacted by Laws of Utah 2015, Chapter 54
- 73 **32B-4-501**, as last amended by Laws of Utah 2017, Chapter 455
- 74 **32B-5-201**, as last amended by Laws of Utah 2022, Chapter 447
- 75 **32B-5-304**, as last amended by Laws of Utah 2023, Chapter 371
- 76 **32B-6-203**, as last amended by Laws of Utah 2023, Chapter 371
- 77 **32B-6-204**, as last amended by Laws of Utah 2017, Chapter 455
- 78 **32B-6-206**, as last amended by Laws of Utah 2023, Chapter 371
- 79 **32B-6-302**, as last amended by Laws of Utah 2018, Chapters 249, 313
- 80 **32B-6-304**, as last amended by Laws of Utah 2016, Chapter 82
- 81 **32B-6-306**, as enacted by Laws of Utah 2013, Chapter 349
- 82 **32B-6-403**, as last amended by Laws of Utah 2023, Chapter 371
- 83 **32B-6-405**, as last amended by Laws of Utah 2017, Chapter 455
- 84 **32B-6-504**, as last amended by Laws of Utah 2011, Chapter 334
- 85 **32B-6-604**, as last amended by Laws of Utah 2011, Chapter 334
- 86 **32B-6-605**, as last amended by Laws of Utah 2023, Chapters 371, 400
- 87 **32B-6-702**, as last amended by Laws of Utah 2021, Chapter 280

- 88 **32B-6-705**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2
- 89 **32B-6-804**, as enacted by Laws of Utah 2011, Chapter 334
- 90 **32B-6-902**, as last amended by Laws of Utah 2019, Chapter 403
- 91 **32B-6-904**, as last amended by Laws of Utah 2012, Fourth Special Session, Chapter 1
- 92 **32B-6-1004**, as last amended by Laws of Utah 2021, Chapter 291
- 93 **32B-7-202**, as last amended by Laws of Utah 2022, Chapter 447
- 94 **32B-8-102**, as last amended by Laws of Utah 2020, Chapter 219
- 95 **32B-8-201**, as last amended by Laws of Utah 2022, Chapter 447
- 96 **32B-8-202**, as last amended by Laws of Utah 2020, Chapter 219
- 97 **32B-8-401**, as last amended by Laws of Utah 2023, Chapter 371
- 98 **32B-8b-102**, as last amended by Laws of Utah 2023, Chapter 371
- 99 **32B-8b-201**, as last amended by Laws of Utah 2020, Chapter 219
- 100 **32B-8b-202**, as last amended by Laws of Utah 2020, Chapter 219
- 101 **32B-8b-301**, as last amended by Laws of Utah 2023, Chapter 371
- 102 **32B-8d-104**, as last amended by Laws of Utah 2022, Chapter 447
- 103 **32B-10-202**, as enacted by Laws of Utah 2010, Chapter 276
- 104 **32B-10-303**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 6
- 105 **32B-10-304**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 6
- 106 **32B-15-201**, as last amended by Laws of Utah 2023, Chapter 400
- 107 **59-15-101**, as last amended by Laws of Utah 2019, Chapter 336
- 108 **59-15-109**, as last amended by Laws of Utah 2023, Chapter 396
- 109 **63I-2-232**, as last amended by Laws of Utah 2023, Chapter 371

110 ENACTS:

- 111 **32B-2-213**, Utah Code Annotated 1953
- 112 **41-6a-531**, Utah Code Annotated 1953
- 113 **53-28-101**, Utah Code Annotated 1953
- 114 **53-28-102**, Utah Code Annotated 1953

115 REPEALS:

- 116 **32B-2-210**, as last amended by Laws of Utah 2022, Chapter 447



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

119 Section 1. Section **32B-1-304** is amended to read:

120 **32B-1-304. Qualifications for a package agency, license, or permit -- Minors.**

121 (1) (a) Except as provided in Subsection (7), the commission may not issue a package
122 agency, license, or permit to a person who has been convicted of:

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

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

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

130 (B) a crime involving moral turpitude; or

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

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

137 (i) a partner;

138 (ii) a managing agent;

139 (iii) a manager;

140 (iv) an officer;

141 (v) a director;

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

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

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

149 (2) Except as described in Section **32B-8-501**, the commission may immediately

150 suspend or revoke a package agency, license, or permit, and terminate a package agency
151 agreement, if a person described in Subsection (1):

152 (a) after the day on which the package agency, license, or permit is issued, is found to
153 have been convicted of an offense described in Subsection (1)(a) before the package agency,
154 license, or permit is issued; or

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

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

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

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

162 (3) Except as described in Section 32B-8-501, the director may take emergency action
163 by immediately suspending the operation of the package agency, licensee, or permittee for the
164 period during which a criminal matter is being adjudicated if a person described in Subsection
165 (1):

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

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

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

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

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

180 (A) a partner or managing agent of a partnership that had any type of agency, license,

181 or permit issued under this title revoked within the last three years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (c) For purposes of Subsection (5)(b), the commission may not consider a minor's
214 position with or ownership interest in an entity that has an ownership interest in the entity that
215 is applying for the package agency, license, or permit unless the minor would exercise direct
216 decision-making control over the package agency, license, or permit.

217 (6) Except as described in Section 32B-8-501, if a package agent, licensee, or permittee
218 no longer possesses the qualifications required by this title for obtaining a package agency,
219 license, or permit, the commission may terminate the package agency agreement, or revoke the
220 license or permit.

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

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

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

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

228 (i) Subsection (1)(a) only applies if an individual listed in Subsection (1)(b) engages in
229 the management of the [~~airline, railroad, or other public conveyance~~] public service permittee,
230 as the commission defines in rule; and

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

233 Section 2. Section 32B-2-205 is amended to read:

234 **32B-2-205. Director of alcoholic beverage services.**

235 (1) (a) In accordance with Subsection (1)(b), the governor, with the advice and consent
236 of the Senate, shall appoint a director of alcoholic beverage services to a four-year term. The
237 director may be appointed to more than one four-year term. The director is the administrative
238 head of the department.

239 (b) (i) The governor shall appoint the director from nominations made by the
240 commission.

241 (ii) The commission shall submit the nomination of three individuals to the governor
242 for appointment of the director.

243 (iii) By no later than 30 calendar days from the day on which the governor receives the
244 three nominations submitted by the commission, the governor may:

245 (A) appoint the director; or

246 (B) reject the three nominations.

247 (iv) If the governor rejects the nominations or fails to take action within the 30-day
248 period, the commission shall nominate three different individuals from which the governor may
249 appoint the director or reject the nominations until such time as the governor appoints the
250 director.

251 (v) The governor may reappoint the director without seeking nominations from the
252 commission. Reappointment of a director is subject to the advice and consent of the Senate.

253 (c) (i) If there is a vacancy in the position of director, during the nomination process
254 described in Subsection (1)(b), the governor may appoint an interim director for a period of up
255 to 30 calendar days.

256 (ii) If a director is not appointed within the 30-day period, the interim director may
257 continue to serve beyond the 30-day period subject to the advice and consent of the Senate at
258 the next scheduled time for the Senate giving consent to appointments of the governor.

259 (iii) Except that if the Senate does not act on the consent to the appointment of the
260 interim director within 60 days of the end of the initial 30-day period, the interim director may
261 continue as the interim director.

262 (d) The director may be terminated by:

263 (i) the commission by a vote of four commissioners; or

264 (ii) the governor after consultation with the commission.

265 (e) The director may not be a commissioner.

266 (f) The director shall:

267 (i) be qualified in administration;

268 (ii) be knowledgeable by experience and training in the field of business management;

269 and

270 (iii) possess any other qualification prescribed by the commission.

271 (2) The governor shall establish the director's compensation within the salary range
272 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

273 (3) The director shall:

- 274 (a) carry out the policies of the commission;
- 275 (b) carry out the policies of the department;
- 276 (c) fully inform the commission of the operations and administrative activities of the
- 277 department; and
- 278 (d) assist the commission in the proper discharge of the commission's duties.
- 279 (4) (a) The director shall form a workgoup that includes representatives from the
- 280 following:
- 281 (i) the department;
- 282 (ii) the Division of Integrated Healthcare created in Section [26B-1-202](#);
- 283 (iii) the Department of Public Safety created in Section [53-10-103](#);
- 284 (iv) the retail alcohol industry;
- 285 (v) the bar or restaurant industry;
- 286 (vi) organizations related to alcohol and drug abuse prevention, alcohol or drug related
- 287 enforcement, or alcohol or drug related education; and
- 288 (vii) any other organization or industry the director determines beneficial.
- 289 (b) (i) The workgroup shall study and make recommendations to:
- 290 (A) improve the efficacy of the alcohol training and education described in Section
- 291 [26B-5-205](#), including recommendations related to the curriculum, development, provider, and
- 292 delivery; and
- 293 (B) maintain appropriate records of cash sale transactions in bar establishments.
- 294 (ii) The workgoup shall ensure that the workgroup's recommendations under
- 295 Subsection (4)(b)(i)(A) include a focus on improving training with respect to laws governing
- 296 the responsible sale and service of alcohol.
- 297 (c) No later than September 1, 2024, the workgroup shall provide written
- 298 recommendations as provided in this Subsection (4) to the Business and Labor Interim
- 299 Committee.
- 300 Section 3. Section **32B-2-213** is enacted to read:
- 301 **32B-2-213. Round up program.**
- 302 (1) The department may establish a round up program under which an individual who
- 303 makes a purchase at a state store may elect to round the purchase price up to the nearest dollar.
- 304 (2) The department shall deposit money the department collects under Subsection (1)

305 into the Pamela Atkinson Homeless Trust Fund created in Section [35A-16-301](#) to be used for
306 substance use disorder treatment services.

307 Section 4. Section **32B-2-304** is amended to read:

308 **32B-2-304. Liquor price -- Remittance of markup -- School lunch program --**
309 **Remittance of markup.**

310 (1) For purposes of this section:

311 (a) (i) "Landed case cost" means the sum of:

312 (A) the cost of the product; [~~and~~]

313 (B) inbound shipping costs [~~incurred by the department.~~] the department incurs; and

314 (C) case handling costs the department incurs.

315 (ii) "Landed case cost" does not include the outbound shipping cost from a warehouse
316 of the department to a state store.

317 (b) "Proof gallon" means the same as that term is defined in 26 U.S.C. Sec. 5002.

318 (2) Except as provided in Subsections (3) and (4):

319 (a) spirituous liquor sold by the department within the state shall be marked up in an
320 amount not less than [~~88%~~] 88.5% above the landed case cost to the department;

321 (b) wine sold by the department within the state shall be marked up in an amount not
322 less than [~~88%~~] 88.5% above the landed case cost to the department;

323 (c) heavy beer sold by the department within the state shall be marked up in an amount
324 not less than 66.5% above the landed case cost to the department; and

325 (d) a flavored malt beverage sold by the department within the state shall be marked up
326 in an amount not less than [~~88%~~] 88.5% above the landed case cost to the department.

327 (3) (a) Liquor sold by the department to a military installation in Utah shall be marked
328 up in an amount not less than 17% above the landed case cost to the department.

329 (b) Except for spirituous liquor sold by the department to a military installation in
330 Utah, spirituous liquor that is sold by the department within the state shall be marked up 49%
331 above the landed case cost to the department if:

332 (i) the spirituous liquor is manufactured by a manufacturer producing less than 30,000
333 proof gallons of spirituous liquor in a calendar year; and

334 (ii) the manufacturer applies to the department for a reduced markup.

335 (c) Except for wine sold by the department to a military installation in Utah, wine that

336 is sold by the department within the state shall be marked up 49% above the landed case cost to
337 the department if:

338 (i) (A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a
339 manufacturer producing less than 20,000 gallons of wine in a calendar year; or

340 (B) for hard cider, the hard cider is manufactured by a manufacturer producing less
341 than 620,000 gallons of hard cider in a calendar year; and

342 (ii) the manufacturer applies to the department for a reduced markup.

343 (d) Except for heavy beer sold by the department to a military installation in Utah,
344 heavy beer that is sold by the department within the state shall be marked up 32% above the
345 landed case cost to the department if:

346 (i) a small brewer manufactures the heavy beer; and

347 (ii) the small brewer applies to the department for a reduced markup.

348 (e) The department shall:

349 (i) for purposes of Subsections (3)(b) and (c), calculate the production amount of a
350 manufacturer:

351 (A) by, if the manufacturer is part of a controlled group of manufacturers, including the
352 combined volume totals of spirituous liquor, wine, or cider, as applicable, for all manufacturers
353 that constitute the controlled group of manufacturers; and

354 (B) without considering the manufacturer's production of any other type of alcoholic
355 product; and

356 (ii) verify that a manufacturer meets a production amount described in Subsection
357 (3)(b) or (c) and the production amount of a small brewer [~~pursuant to~~] under a federal or other
358 verifiable production report.

359 (f) A manufacturer seeking to obtain a reduced markup under Subsection (3)(b), (c), or
360 (d), shall provide to the department any documentation or information the department
361 determines necessary to determine if the manufacturer is part of a controlled group of
362 manufacturers.

363 (g) The department may, at any time, revoke a reduced markup granted to a
364 manufacturer under Subsection (3)(b), (c), or (d), if the department determines the
365 manufacturer no longer qualifies for the reduced markup.

366 (4) Wine the department purchases on behalf of a subscriber through the wine

367 subscription program established in Section [32B-2-702](#) shall be marked up not less than [~~88%~~
368 88.5% above the cost of the subscription for the interval in which the wine is purchased.

369 (5) The department shall deposit 10% of the total gross revenue from sales of liquor
370 with the state treasurer to be credited to the Uniform School Fund and used to support the
371 school meals program administered by the State Board of Education under Section [53E-3-510](#).

372 (6) (a) Each month, the department shall collect from each package agency located at a
373 manufacturing facility owned or operated by a person licensed under Chapter 11,
374 Manufacturing and Related Licenses Act, 12.295% of the package agency's reported monthly
375 revenue and deposit the money as follows:

376 (i) 1.695% of the reported monthly revenue into the Alcoholic Beverage Control Act
377 Enforcement Fund;

378 (ii) 10% of the reported monthly revenue into the Uniform School Fund and used to
379 support the school meals program administered by the State Board of Education under Section
380 [53E-3-510](#); and

381 (iii) 0.60% of the reported monthly revenue into the Underage Drinking Prevention
382 Media and Education Campaign Restricted Account.

383 (b) The department may collect a fee established in accordance with Section [63J-1-504](#)
384 from a package agency described in this subsection to cover the costs of regulation.

385 [~~(6)~~] (7) This section does not prohibit the department from selling discontinued items
386 at a discount.

387 (8) The Legislature shall annually appropriate to support substance use disorder
388 treatment services, an amount equal to the revenue generated from a 0.5% markup above the
389 landed case cost to the department on spirituous liquor

390 Section 5. Section **32B-2-305** is amended to read:

391 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

392 (1) As used in this section:

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

395 (b) "Drug-related law enforcement officer" means a law enforcement officer employed
396 by the Department of Public Safety who has enforcement of drug-related offenses as a primary
397 responsibility.

398 (c) "Enforcement ratio" means the same as that term is defined in Section [32B-1-201](#).

399 (d) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in
400 this section.

401 (e) "SBI drug-related law enforcement officer" means a law enforcement officer
402 employed by the State Bureau of Investigation within the Department of Public Safety who has
403 investigation of drug-related offenses as a primary responsibility.

404 (f) "Social worker" means an individual licensed under Title 58, Chapter 60, Part 2,
405 Social Worker Licensing Act, and employed by the Department of Public Safety who has
406 provision of caseworker services to individuals under 21 years old as a primary responsibility.

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

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

410 (i) deposits made under Subsection (4); [~~and~~]

411 (ii) deposits made under Section [59-15-109](#); and

412 [~~(i)~~] (iii) interest earned on the fund.

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

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

415 (4) After the deposit made under Section [32B-2-304](#) for the school lunch program, the
416 department shall deposit 1.695% of the total gross revenue from the sale of liquor with the state
417 treasurer to be credited to the fund [~~to be~~].

418 (5) The deposits made under Subsection (4) and Section [59-15-109](#) shall be:

419 (a) used by the Department of Public Safety as provided in Subsection [~~(5)~~] (6); and

420 (b) reallocated to the General Fund as described in Subsection [~~(6)~~] (7).

421 [~~(5)~~] (6) (a) The Department of Public Safety shall expend money from the fund to:

422 (i) supplement appropriations by the Legislature so that the Department of Public
423 Safety maintains a sufficient number of alcohol-related law enforcement officers such that each
424 year the enforcement ratio as of July 1 is equal to or less than the number specified in Section
425 [32B-1-201](#); and

426 (ii) maintain at least:

427 (A) 10 drug-related law enforcement officers;

428 (B) eight SBI drug-related law enforcement officers; [~~and~~]

429 (C) two social workers[-]; and

430 (D) three additional alcohol-related law enforcement officers who are dedicated to
431 compliance or enforcement of this title.

432 (b) Four of the alcohol-related law enforcement officers described in Subsection
433 [~~(5)(a)(i)~~] (6)(a)(i) shall have as a primary focus the enforcement of this title in relationship to
434 restaurants.

435 [~~(6)~~] (7) For fiscal year 2023, the Division of Finance shall deposit into the General
436 Fund \$3 million of unspent money in the fund.

437 Section 6. Section **32B-2-503** is amended to read:

438 **32B-2-503. Operational requirements for a state store.**

439 (1) (a) A state store shall display in a prominent place in the store a sign in large letters
440 that consists of text in the following order:

441 (i) a header that reads: "WARNING";

442 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
443 can cause birth defects and permanent brain damage for the child.";

444 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at
445 [insert most current toll-free number] with questions or for more information.";

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

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

449 (b) (i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different
450 font style than the text described in Subsections (1)(a)(iv) and (v).

451 (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the
452 same font size.

453 (c) The Department of Health shall work with the commission and department to
454 facilitate consistency in the format of a sign required under this section.

455 (2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by
456 the commission.

457 (3) A state store may not sell, offer for sale, or furnish liquor to:

458 (a) a minor;

459 (b) a person actually, apparently, or obviously intoxicated;

- 460 (c) a known interdicted person; or
- 461 (d) a known habitual drunkard.
- 462 (4) (a) A state store employee may not:
- 463 (i) consume an alcoholic product on the premises of a state store; or
- 464 (ii) allow any person to consume an alcoholic product on the premises of a state store.
- 465 (b) A violation of this Subsection (4) is a class B misdemeanor.
- 466 (5) (a) Sale or delivery of liquor may not be made on or from the premises of a state
- 467 store, and a state store may not be kept open for the sale of liquor:
- 468 (i) on Sunday; or
- 469 (ii) on a state or federal legal holiday.
- 470 (b) Sale or delivery of liquor may be made on or from the premises of a state store, and
- 471 a state store may be open for the sale of liquor, only on a day and during hours that the
- 472 commission directs by rule or order.
- 473 (6) (a) A minor may not be admitted into, or be on the premises of, a state store unless
- 474 accompanied by a person who is:
- 475 (i) 21 years of age or older; and
- 476 (ii) the minor's parent, legal guardian, or spouse.
- 477 (b) A state store employee that has reason to believe that a person who is on the
- 478 premises of a state store is under the age of 21 and is not accompanied by a person described in
- 479 Subsection (6)(a) may:
- 480 (i) ask the suspected minor for proof of age;
- 481 (ii) ask the person who accompanies the suspected minor for proof of age; and
- 482 (iii) ask the suspected minor or the person who accompanies the suspected minor for
- 483 proof of parental, guardianship, or spousal relationship.
- 484 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the
- 485 person who accompanies the suspected minor into the state store if the suspected minor or
- 486 person fails to provide information specified in Subsection (6)(b).
- 487 (d) A state store employee shall require a suspected minor and the person who
- 488 accompanies the suspected minor into the state store to immediately leave the premises of the
- 489 state store if the suspected minor or person fails to provide information specified in Subsection
- 490 (6)(b).

491 (7) (a) A state store may not sell, offer for sale, or furnish liquor except in a sealed
492 container.

493 (b) A person may not open a sealed container on the premises of a state store.

494 (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish
495 heavy beer in a sealed container that exceeds two liters.

496 (9) A state store may not sell, offer for sale, or furnish liquor that is intended to be
497 frozen and consumed in manner other than as a beverage, including liquor in the form of a
498 freeze pop, popsicle, ice cream, or sorbet.

499 Section 7. Section **32B-3-203** is amended to read:

500 **32B-3-203. Initiating a disciplinary proceeding.**

501 Subject to Section **32B-3-202**:

502 (1) The department [~~may~~] shall initiate a disciplinary proceeding described in
503 Subsection (2) if the department [~~receives~~]:

504 (a) receives a report from an investigator alleging that a person subject to
505 administrative action violated this title or the rules of the commission;

506 (b) [~~a final adjudication of criminal liability~~] receives notice of criminal proceedings
507 against a person subject to administrative action on the basis of an alleged violation of this
508 title; [~~or~~]

509 (c) [~~a final adjudication of civil liability in accordance with~~] receives notice of civil
510 proceedings in accordance with Chapter 15, Alcoholic Product Liability Act, against a person
511 subject to administrative action on the basis of an alleged violation of this title[-]; or

512 (d) otherwise becomes aware that a person subject to administrative action on the basis
513 of an alleged violation of this title may have violated this title or commission rule.

514 (2) If the condition of Subsection (1) is met[-]; the department shall:

515 (a) [~~the department may~~] initiate a disciplinary proceeding to determine:

516 [~~(a)~~] (i) whether a person subject to administrative action violated this title or rules of
517 the commission; and

518 [~~(b)~~] (ii) if a violation is found, the appropriate sanction to be imposed[-]; and

519 (b) refer the matter to the State Bureau of Investigation, created in Section [53-10-301](#).

520 (3) (a) Unless waived by the respondent, a disciplinary proceeding shall be held:

521 (i) if required by law;

522 (ii) before revoking or suspending a license, permit, or certificate of approval issued
523 under this title; or

524 (iii) before imposing a fine against a person subject to administrative action.

525 (b) Inexcusable failure of a respondent to appear at a scheduled disciplinary proceeding
526 hearing after receiving proper notice is an admission of the charged violation.

527 (c) The validity of a disciplinary proceeding is not affected by the failure of a person to
528 attend or remain in attendance.

529 Section 8. Section **32B-4-401** is amended to read:

530 **32B-4-401. Unlawful sale or furnishing.**

531 (1) It is unlawful for a retail licensee, a permittee, or staff of a retail licensee or
532 permittee to keep for sale, or to directly or indirectly, sell, offer for sale, or furnish to another,
533 an alcoholic product, except as otherwise provided by this title.

534 (2) It is unlawful for a person in the business of selling liquor, a manufacturer, a
535 supplier, an importer of liquor, or staff of the person, manufacturer, supplier, or importer to
536 sell, ship, transport, or cause to be sold, shipped, or transported liquor from an out-of-state
537 location directly or indirectly into this state except to the extent authorized by this title to:

538 (a) the department;

539 (b) a military installation;

540 (c) a holder of a special use permit, to the extent authorized in the special use permit;

541 or

542 (d) a liquor warehouser licensee licensed to distribute and transport liquor to:

543 (i) the department; or

544 (ii) an out-of-state wholesaler or retailer.

545 (3) (a) It is unlawful for a person in the business of selling beer, a manufacturer, a
546 supplier, an importer of beer, or staff of the person, manufacturer, or importer to sell, ship,
547 transport, or cause to be sold, shipped, or transported beer from an out-of-state location directly
548 or indirectly into this state except to the extent authorized by this title to:

549 (i) a beer wholesaler licensee;

550 (ii) a military installation; or

551 (iii) a holder of a special use permit, to the extent authorized in the special use permit.

552 (b) Subsection (3)(a) does not preclude a small brewer that holds a certificate of

553 approval from selling, shipping, or transporting beer to the extent authorized by Subsection
554 32B-11-503(5) directly to:

- 555 (i) a beer retailer; or
- 556 (ii) an event permittee.

557 (4) (a) It is unlawful for a manufacturer, supplier, or importer of liquor in this state, or
558 staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold,
559 shipped, or transported liquor directly or indirectly to a person in this state except to the extent
560 authorized by this title to:

- 561 (i) the department;
- 562 (ii) a military installation;
- 563 (iii) a holder of a special use permit, to the extent authorized in the special use permit;

564 or

565 (iv) a liquor warehouser licensee who is licensed to distribute and transport liquor to:

- 566 (A) the department; or
- 567 (B) an out-of-state wholesaler or retailer.

568 (b) Subsection (4)(a) does not preclude a winery manufacturing licensee located in this
569 state from selling wine to a person on its winery premises:

- 570 (i) to the extent authorized by Subsection 32B-11-303(4); or
- 571 (ii) under a package agency issued by the commission on the winery premises.
- 572 (c) Subsection (4)(a) does not preclude a distillery manufacturing licensee located in

573 this state from selling liquor on its distillery premises:

- 574 (i) to the extent authorized in Subsection 32B-11-403(5); or
- 575 (ii) under a package agency issued by the commission on the distillery premises.

576 (d) Subsection (4)(a) does not preclude a brewery manufacturing licensee located in
577 this state from selling heavy beer or flavored malt beverages on its brewery premises:

- 578 (i) to the extent authorized under Subsection 32B-11-503(4); or
- 579 (ii) under a package agency issued by the commission on its brewery premises.

580 (5) (a) It is unlawful for a manufacturer, supplier, or importer of beer in this state, or
581 staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold,
582 shipped, or transported beer directly or indirectly to a person in this state except to the extent
583 authorized by this title to:

- 584 (i) a beer wholesaler licensee;
- 585 (ii) a military installation; or
- 586 (iii) a holder of a special use permit, to the extent authorized in the special use permit.

587 (b) Subsection (5)(a) does not preclude:

588 (i) a small brewer who is a brewery manufacturing licensee located in this state from
589 selling, shipping, and transporting beer to the extent authorized by Subsection 32B-11-503(5)
590 directly to one of the following in this state:

591 (A) a beer retailer; or

592 (B) an event permittee; or

593 (ii) a brewery manufacturing licensee from selling beer to a person on its
594 manufacturing premises under Subsection 32B-11-503(4)(c).

595 (6) It is unlawful for a person other than a person described in Subsection (2) or (3) to
596 sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product from an
597 out-of-state location directly or indirectly into this state, except as otherwise provided by this
598 title.

599 (7) It is unlawful for a person in this state other than a person described in Subsection
600 (4) or (5) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic
601 product directly or indirectly to another person in this state, except as otherwise provided by
602 this title.

603 (8) It is unlawful for a person in the business of selling liquor, a manufacturer, a
604 supplier, or an importer of liquor in this state, or staff of the person, manufacturer, supplier, or
605 importer to keep for sale, or to directly or indirectly, sell, offer for sale, or furnish to another,
606 liquor that contains more than 80% alcohol by volume.

607 [~~8~~] (9) (a) A violation of Subsection (1) is a class B misdemeanor, except when
608 otherwise provided by this title.

609 (b) A violation of Subsection (2), (3), (4), or (5) is a third degree felony.

610 (c) A violation of Subsection [~~(6) or (7)~~] (6), (7), or (8) is a class B misdemeanor.

611 Section 9. Section 32B-4-422 is amended to read:

612 **32B-4-422. Unlawful dispensing.**

613 (1) A retail licensee licensed under this title to sell, offer for sale, or furnish spirituous
614 liquor for consumption on the licensed premises, or staff of the retail licensee may not:

615 (a) sell, offer for sale, or furnish a primary spirituous liquor to a person on the licensed
616 premises except in a quantity that does not exceed 1.5 ounces per beverage dispensed through a
617 calibrated metered dispensing system approved by the department;

618 (b) sell, offer for sale, or furnish more than a total of 2.5 ounces of spirituous liquor per
619 beverage;

620 (c) allow a person on the licensed premises to have more than a total of 2.5 ounces of
621 spirituous liquor at a time; or

622 (d) (i) except as provided in Subsection (1)(d)(ii), allow a person to have more than
623 two spirituous liquor beverages at a time; or

624 (ii) allow a person on the premises of the following to have more than one spirituous
625 liquor beverage at a time:

626 (A) a full-service restaurant licensee;

627 (B) a person operating under a full-service restaurant sublicense;

628 (C) an on-premise banquet licensee;

629 (D) a person operating under an on-premise banquet sublicense; ~~or~~

630 (E) a single event permittee~~[-]; or~~

631 (F) a hospitality amenity licensee.

632 (2) A violation of this section is a class C misdemeanor.

633 Section 10. Section ~~32B-4-424~~ is amended to read:

634 **32B-4-424. Powdered or vaporized alcohol.**

635 (1) As used in this section~~["powdered alcohol"]~~:

636 (a) "Powdered alcohol" means a product that is in a powdered or crystalline form and
637 contains any amount of alcohol.

638 (b) "Vaporized alcohol" means a product created by mixing alcohol with pure oxygen
639 or another gas to produce a vaporized product for the purpose of consumption through
640 inhalation.

641 (2) It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell,
642 offer to sell, furnish, or possess ~~powdered alcohol~~ for human consumption powdered alcohol
643 or vaporized alcohol.

644 (3) It is unlawful for a holder of a retail license to use powdered alcohol or vaporized
645 alcohol as an alcoholic product.

646 (4) This section does not apply to the use of powdered alcohol or vaporized alcohol for
647 a commercial use specifically approved by state law or bona fide research purposes by a:

648 (a) health care practitioner that operates primarily for the purpose of conducting
649 scientific research;

650 (b) department, commission, board, council, agency, institution, division, office,
651 committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the
652 state, including a state institution of higher education listed in Section [53B-2-101](#);

653 (c) private college or university research facility; or

654 (d) pharmaceutical or biotechnology company.

655 Section 11. Section **32B-4-501** is amended to read:

656 **32B-4-501. Operating without a license or permit.**

657 (1) A person may not operate the following businesses without first obtaining a license
658 under this title if the business allows a person to purchase or consume an alcoholic product on
659 the premises of the business:

660 (a) a restaurant;

661 (b) an airport lounge;

662 (c) a business operated in the same manner as a bar establishment licensee;

663 (d) a resort;

664 (e) a business operated to sell, offer for sale, or furnish beer for on-premise
665 consumption;

666 (f) a business operated as an on-premise banquet licensee;

667 (g) a hotel; [or]

668 (h) an arena; or

669 [~~(h)~~] (i) a business similar to one listed in Subsections (1)(a) through [~~(g)~~] (h).

670 (2) A person conducting an event that is open to the general public may not directly or
671 indirectly sell, offer for sale, or furnish an alcoholic product to a person attending the event
672 without first obtaining an event permit under this title.

673 (3) A person conducting a private event may not directly or indirectly sell or offer for
674 sale an alcoholic product to a person attending the private event without first obtaining an
675 event permit under this title.

676 (4) A person may not operate the following businesses in this state without first

677 obtaining a license under this title:

- 678 (a) a winery manufacturer;
- 679 (b) a distillery manufacturer;
- 680 (c) a brewery manufacturer;
- 681 (d) a local industry representative of:
 - 682 (i) a manufacturer of an alcoholic product;
 - 683 (ii) a supplier of an alcoholic product; or
 - 684 (iii) an importer of an alcoholic product;
- 685 (e) a liquor warehouse; or
- 686 (f) a beer wholesaler.

687 (5) A person may not operate a public conveyance in this state without first obtaining a
688 public service permit under this title if that public conveyance allows a person to purchase or
689 consume an alcoholic product:

- 690 (a) on the public conveyance; or
- 691 (b) on the premises of a hospitality room located within a depot, terminal, or similar
692 facility at which a service is provided to a patron of the public conveyance.

693 Section 12. Section **32B-5-201** is amended to read:

694 **32B-5-201. Application requirements for retail license.**

695 (1) (a) Before a person may store, sell, offer for sale, furnish, or permit consumption of
696 an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a
697 retail license issued by the commission, notwithstanding whether the person holds a local
698 license or a permit issued by a local authority.

699 (b) Violation of this Subsection (1) is a class B misdemeanor.

700 (2) To obtain a retail license under this title, a person shall submit to the department:

- 701 (a) a written application in a form prescribed by the department;
- 702 (b) a nonrefundable application fee in the amount specified in the relevant chapter or
703 part for the type of retail license for which the person is applying;
- 704 (c) an initial license fee:
 - 705 (i) in the amount specified in the relevant chapter or part for the type of retail license
706 for which the person is applying; and
 - 707 (ii) that is refundable if a retail license is not issued;

- 708 (d) written consent of the local authority, including, if applicable, consent for each
- 709 proposed sublicense;
- 710 (e) a copy of:
- 711 (i) every license the local authority requires, including the person's current business
- 712 license; and
- 713 (ii) if the person is applying for a principal license, the current business license for each
- 714 proposed sublicense, except if the local authority determines that the business license for a
- 715 proposed sublicense is included in the person's current business license;
- 716 (f) evidence of the proposed retail licensee's proximity to any community location, with
- 717 proximity requirements being governed by Section [32B-1-202](#);
- 718 (g) a bond as specified by Section [32B-5-204](#);
- 719 (h) a floor plan, and boundary map where applicable, of the premises of the retail
- 720 license and each, if any, accompanying sublicense, including any:
- 721 (i) consumption area; and
- 722 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
- 723 beverage;
- 724 (i) evidence that the retail licensee carries public liability insurance in an amount and
- 725 form satisfactory to the department;
- 726 (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
- 727 (i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
- 728 (ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per
- 729 occurrence and \$2,000,000 in the aggregate to cover both the principal license and all
- 730 accompanying sublicenses; or
- 731 (iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and
- 732 \$20,000,000 in the aggregate to cover both the arena license and all accompanying
- 733 sublicenses[-];
- 734 (k) a signed consent form stating that the retail licensee will permit any authorized
- 735 representative of the commission, department, or any law enforcement officer to have
- 736 unrestricted right to enter:
- 737 (i) the premises of the retail licensee; and
- 738 (ii) if applicable, the premises of each of the retail licensee's accompanying

739 sublicenses;

740 (l) if the person is an entity, proper verification evidencing that a person who signs the
741 application is authorized to sign on behalf of the entity;

742 (m) a responsible alcohol service plan;

743 (n) evidence that each individual the person has hired to work as a retail manager, as
744 defined in Section 32B-1-701, has completed the alcohol training and education seminar as
745 required under Chapter 1, Part 7, Alcohol Training and Education Act; and

746 (o) any other information the commission or department may require.

747 (3) The commission may not issue a retail license to a person who:

748 (a) is disqualified under Section 32B-1-304; or

749 (b) is not lawfully present in the United States.

750 (4) Unless otherwise provided in the relevant chapter or part for the type of retail
751 license for which the person is applying, the commission may not issue a retail license to a
752 person if the proposed licensed premises does not meet the proximity requirements of Section
753 32B-1-202.

754 (5) The commission may not deny an application for a retail license, an application for
755 a conditional retail license under Section 32B-5-205, or an application for a sublicense under
756 Chapter 8d, Sublicense Act, if:

757 (a) the applicant satisfies the requirements of this chapter; and

758 (b) for a retail license or a conditional retail license, granting the retail license or the
759 conditional retail license would not cause the commission to exceeded the maximum number
760 of licenses of that retail license type that the commission is authorized to issue under this
761 chapter.

762 Section 13. Section 32B-5-304 is amended to read:

763 **32B-5-304. Portions in which alcoholic product may be sold.**

764 (1) (a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a
765 primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage
766 dispensed through a calibrated metered dispensing system approved by the department in
767 accordance with commission rules adopted under this title.

768 (b) A retail license is not required to dispense spirituous liquor through a calibrated
769 metered dispensing system if the spirituous liquor is:

770 (i) a secondary flavoring ingredient;
771 (ii) used as a flavoring on a dessert; [or]
772 (iii) used to set aflame a food dish, drink, or dessert[-]; or
773 (iv) in a beverage that:
774 (A) is served to a patron in the original, sealed container;
775 (B) is not more than 12 ounces;
776 (C) contains no more than 10% alcohol by volume or 8% by weight; and
777 (D) is in a container that has the alcohol by volume percentage on the front label and in
778 a font that measures at least three millimeters high.

779 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring
780 ingredient shall:

781 (i) designate a location where the retail licensee stores secondary flavoring ingredients
782 on the floor plan the retail licensee submits to the department; and

783 (ii) clearly and conspicuously label each secondary flavoring ingredient's container
784 "flavorings".

785 (d) (i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.

786 (ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection (1)(b)(iv).

787 (2) (a) (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
788 individual portion that does not exceed 5 ounces per glass or individual portion.

789 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to
790 a patron in more than one glass if the total amount of wine does not exceed 5 ounces.

791 (b) (i) A retail licensee may sell, offer for sale, or furnish wine in a container not
792 exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.

793 (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to
794 exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.

795 (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale,
796 or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed container
797 not to exceed 16 ounces.

798 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original
799 container at a price fixed by the commission, except that the original container may not exceed
800 one liter.

801 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
802 original container at a price fixed by the commission, except that the original container may not
803 exceed one liter.

804 (5) (a) (i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or
805 furnish beer for on-premise consumption:

806 (A) in an open original container; and

807 (B) in a container on draft.

808 (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection

809 (5)(a)(i):

810 (A) in a size of container that exceeds two liters; or

811 (B) to an individual patron in a size of container that exceeds one liter.

812 (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise

813 consumption:

814 (i) in a sealed container; and

815 (ii) in a size of container that does not exceed two liters.

816 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual

817 patron if the total amount of beer does not exceed 16 ounces.

818 Section 14. Section **32B-6-203** is amended to read:

819 **32B-6-203. Commission's power to issue full-service restaurant license.**

820 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
821 an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a
822 full-service restaurant license from the commission in accordance with this part.

823 (2) The commission may issue a full-service restaurant license to establish full-service
824 restaurant licensed premises at places and in numbers the commission considers proper for the
825 storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises
826 operated as a full-service restaurant.

827 (3) Subject to Section [32B-1-201](#):

828 (a) the commission may not issue a total number of full-service restaurant licenses that
829 at any time exceeds the sum of:

830 (i) 30; and

831 (ii) the number determined by dividing the population of the state by ~~[4,467]~~;

832 (A) before July 1, 2024, 4,467;

833 (B) in fiscal year 2025, 4,281;

834 (C) in fiscal year 2026, 4,095;

835 (D) in fiscal year 2027, 3,909;

836 (E) in fiscal year 2028, 3,723;

837 (F) in fiscal year 2029, 3,537;

838 (G) in fiscal year 2030, 3,351; and

839 (H) in fiscal year 2031, and in each fiscal year thereafter, 3,167;

840 (b) the commission may issue a seasonal full-service restaurant license in accordance
841 with Section 32B-5-206; and

842 (c) (i) if the location, design, and construction of a hotel may require more than one
843 full-service restaurant sales location within the hotel to serve the public convenience, the
844 commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as
845 many as three full-service restaurant locations within the hotel under one full-service restaurant
846 license if:

847 (A) the hotel has a minimum of 150 guest rooms; and

848 (B) the locations under the full-service restaurant license are:

849 (I) within the same hotel; and

850 (II) on premises that are managed or operated, and owned or leased, by the full-service
851 restaurant licensee; and

852 (ii) except for a hotel, a facility shall have a separate full-service restaurant license for
853 each full-service restaurant where an alcoholic product is sold, offered for sale, or furnished.

854 (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue
855 a full-service restaurant license for premises that do not meet the proximity requirements of
856 Subsection 32B-1-202(2).

857 (5) To be licensed as a full-service restaurant, a person shall maintain at least 70% of
858 the restaurant's gross revenues from the sale of food, which does not include:

859 (a) mix for an alcoholic product; or

860 (b) a service charge.

861 Section 15. Section 32B-6-204 is amended to read:

862 **32B-6-204. Specific licensing requirements for full-service restaurant license.**

863 (1) To obtain a full-service restaurant license a person shall comply with Chapter 5,
864 Part 2, Retail Licensing Process.

865 (2) (a) A full-service restaurant license expires on October 31 of each year.

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

869 (3) (a) The nonrefundable application fee for a full-service restaurant license is \$330.

870 (b) (i) The initial license fee for a full-service restaurant license is \$2,200.

871 (ii) The department shall prorate the \$2,200 initial license fee for the period that begins
872 the day on which the initial license fee is paid and ends the day on which the full-service
873 restaurant license expires.

874 (c) The renewal fee for a full-service restaurant license is \$1,650.

875 (4) The bond amount required for a full-service restaurant license is the penal sum of
876 \$10,000.

877 Section 16. Section **32B-6-206** is amended to read:

878 **32B-6-206. Master full-service restaurant license.**

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

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

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

887 (iii) the master full-service restaurant license includes at least five full-service
888 restaurant locations.

889 (b) The person seeking a master full-service restaurant license shall designate which
890 full-service restaurant locations the person seeks to have under the master full-service
891 restaurant license.

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

894 (2) A master full-service restaurant license and each location designated under
895 Subsection (1) are considered a single full-service restaurant license for purposes of Subsection
896 [32B-6-203](#)(3)(a).

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

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

901 (4) (a) The nonrefundable application fee for a master full-service restaurant license is
902 \$330.

903 (b) (i) The initial license fee for a master full-service restaurant license is \$5,000 plus a
904 separate initial license fee for each newly licensed full-service restaurant ~~[license]~~ location
905 under the master full-service restaurant license determined in accordance with Subsection
906 [32B-6-204](#)(3)(b).

907 (ii) The department ~~[may]~~ shall prorate the \$5,000 initial license fee ~~[based on the~~
908 ~~number of months out of a year the master full-service restaurant licensee is licensed before]~~
909 for the period that begins the day on which the initial license fee is paid and ends the day on
910 which the master full-service restaurant license expires.

911 (c) To renew a master full-service restaurant license the master full-service restaurant
912 licensee shall pay a separate renewal fee for each full-service ~~[license]~~ restaurant location under
913 the master full-service restaurant license ~~[determined]~~ in accordance with Subsection
914 [32B-6-204](#)(3)(c).

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

917 (a) the master full-service restaurant licensee pays a nonrefundable application fee of
918 \$330; and

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

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

923 (i) immediately, if the management personnel is not management personnel at a
924 location covered by the master full-service restaurant licensee at the time of the change; or

925 (ii) within 30 days of the change, if the master full-service restaurant licensee is
926 transferring management personnel from one location to another location covered by the master
927 full-service restaurant licensee.

928 (b) A location covered by a master full-service restaurant license shall keep the
929 location's own records on the location's premises so that the department may audit the records.

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

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

935 (a) the single location under a master full-service restaurant license;

936 (b) individual staff of the location under the master full-service restaurant license; or

937 (c) a combination of persons or locations described in Subsections (7)(a) and (b).

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

941 Section 17. Section **32B-6-302** is amended to read:

942 **32B-6-302. Definitions.**

943 As used in this part:

944 (1) (a) "Dining area" means an area in the licensed premises of a limited-service
945 restaurant licensee that is primarily used for the service and consumption of food by one or
946 more patrons.

947 (b) "Dining area" does not include a dispensing area.

948 (2) (a) "Dispensing area" means an area in the licensed premises of a limited-service
949 restaurant licensee where a dispensing structure is located and that:

950 (i) is physically separated from the dining area and any waiting area by a structure or
951 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the
952 dispensing of alcoholic product;

953 (ii) except as provided in Subsection (2)(b), measures at least 10 feet from the dining
954 area and any waiting area to the nearest edge of the dispensing structure; or

955 (iii) is physically separated from the dining area and any waiting area by a permanent

956 physical structure that complies with the provisions of Title 15A, State Construction and Fire
957 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,
958 measures:

959 (A) at least 42 inches high; and

960 (B) at least 60 inches from the inside edge of the barrier to the nearest edge of the
961 dispensing structure.

962 (b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that
963 is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron
964 seated at a table or counter cannot view the dispensing of alcoholic product.

965 (3) "Small limited-service restaurant licensee" means a limited-service restaurant
966 licensee [~~that has a grandfathered bar structure~~] whose dispensing area includes more than 45%
967 of the available seating for patrons on the licensed premises, excluding outdoor seating:

968 (a) when measured in accordance with Subsection (2)(a)(ii); and

969 (b) based on the licensee's floor plan on file with the department on July 1, 2017.

970 (4) "Waiting area" includes a lobby.

971 Section 18. Section **32B-6-304** is amended to read:

972 **32B-6-304. Specific licensing requirements for limited-service restaurant license.**

973 (1) To obtain a limited-service restaurant license a person shall comply with Chapter 5,
974 Part 2, Retail Licensing Process.

975 (2) (a) A limited-service restaurant license expires on October 31 of each year.

976 (b) To renew a person's limited-service restaurant license, a person shall comply with
977 the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
978 September 30.

979 (3) (a) The nonrefundable application fee for a limited-service restaurant license is
980 \$330.

981 (b) (i) The initial license fee for a limited-service restaurant license is \$1,275.

982 (ii) The department shall prorate the \$1,275 initial license fee for the period that begins
983 the day on which the initial license fee is paid and ends the day on which the limited-service
984 restaurant license expires.

985 (c) The renewal fee for a limited-service restaurant license is \$750.

986 (4) The bond amount required for a limited-service restaurant license is the penal sum

987 of \$5,000.

988 Section 19. Section **32B-6-306** is amended to read:

989 **32B-6-306. Master limited-service restaurant license.**

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

994 (i) owns each of the limited-service restaurants;

995 (ii) except for the fee requirements, establishes to the satisfaction of the commission
996 that each location of a limited-service restaurant under the master limited-service restaurant
997 license separately meets the requirements of this part; and

998 (iii) the master limited-service restaurant includes at least five limited-service
999 restaurant locations.

1000 (b) The person seeking a master limited-service restaurant license shall designate
1001 which limited-service restaurant locations the person seeks to have under the master
1002 limited-service restaurant license.

1003 (c) A limited-service restaurant location under a master limited-service restaurant
1004 license is considered separately licensed for purposes of this title, except as provided in this
1005 section.

1006 (2) A master limited-service restaurant license and each location under Subsection (1)
1007 are considered a single limited-service restaurant license for purposes of Subsection
1008 [32B-6-303\(3\)\(a\)](#).

1009 (3) (a) A master limited-service restaurant license expires on October 31 of each year.

1010 (b) To renew a person's master limited-service restaurant license, a person shall comply
1011 with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1012 September 30.

1013 (4) (a) The nonrefundable application fee for a master limited-service restaurant license
1014 is \$330.

1015 (b) (i) The initial license fee for a master limited-service restaurant license is \$5,000
1016 plus a separate initial license fee for each newly licensed limited-service restaurant license
1017 under the master limited-service restaurant license determined in accordance with Subsection

1018 32B-6-304(3)(b).

1019 (ii) The department shall prorate the \$5,000 initial license fee for the period that begins
1020 the day on which the initial license fee is paid and ends the day on which the master
1021 limited-service restaurant license expires.

1022 (c) The renewal fee for a master limited-service restaurant license is \$500 plus a
1023 separate renewal fee for each limited-service license under the master limited-service restaurant
1024 license determined in accordance with Subsection 32B-6-304(3)(c).

1025 (5) A new location may be added to a master limited-service restaurant license after the
1026 master limited-service restaurant license is issued if:

1027 (a) the master limited-service restaurant licensee pays a nonrefundable application fee
1028 of \$330; and

1029 (b) including payment of the initial license fee, the location separately meets the
1030 requirements of this part.

1031 (6) (a) A master limited-service restaurant licensee shall notify the department of a
1032 change in the persons managing a location covered by a master limited-service restaurant
1033 license:

1034 (i) immediately, if the management personnel is not management personnel at a
1035 location covered by the master limited-service restaurant licensee at the time of the change; or

1036 (ii) within 30 days of the change, if the master limited-service restaurant licensee is
1037 transferring management personnel from one location to another location covered by the master
1038 limited-service restaurant licensee.

1039 (b) A location covered by a master limited-service restaurant license shall keep its own
1040 records on its premises so that the department may audit the records.

1041 (c) A master limited-service restaurant licensee may not transfer alcoholic products
1042 between different locations covered by the master limited-service restaurant license.

1043 (7) (a) If there is a violation of this title at a location covered by a master
1044 limited-service restaurant license, the violation may result in disciplinary action in accordance
1045 with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1046 (i) the single location under a master limited-service restaurant license;

1047 (ii) individual staff of the location under the master limited-service restaurant license;

1048 or

1049 (iii) a combination of persons or locations described in Subsections (7)(a)(i) and (ii).

1050 (b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in
1051 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a
1052 master limited-service restaurant licensee or individual staff of the master limited-service
1053 restaurant licensee if during a period beginning on November 1 and ending October 31:

1054 (i) at least 25% of the locations covered by the master limited-service restaurant license
1055 have been found by the commission to have committed a serious or grave violation of this title,
1056 as defined by rule made by the commission; or

1057 (ii) at least 50% of the locations covered by the master limited-service restaurant
1058 license have been found by the commission to have violated this title.

1059 (8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah
1060 Administrative Rulemaking Act, to establish how a person may apply for a master
1061 limited-service restaurant license under this section.

1062 Section 20. Section **32B-6-403** is amended to read:

1063 **32B-6-403. Commission's power to issue bar establishment license.**

1064 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
1065 an alcoholic product on the person's premises as a bar establishment licensee, the person shall
1066 first obtain a bar establishment license from the commission in accordance with this part.

1067 (2) The commission may issue a bar establishment license to establish bar
1068 establishment licensed premises at places and in numbers the commission considers proper for
1069 the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on
1070 premises operated by a bar establishment licensee.

1071 (3) Subject to Section [32B-1-201](#):

1072 (a) the commission may not issue a total number of bar establishment licenses that at
1073 any time exceeds the sum of:

1074 (i) 15; and

1075 (ii) the number determined by dividing the population of the state by [~~10,200~~];

1076 (A) before fiscal July 1, 2024, 10,200;

1077 (B) in fiscal year 2025, 9,778;

1078 (C) in fiscal year 2026, 9,356;

1079 (D) in fiscal year 2027, 8,934;

- 1080 (E) in fiscal year 2028, 8,512;
- 1081 (F) in fiscal year 2029, 8,090;
- 1082 (G) in fiscal year 2030, 7,668; and
- 1083 (H) in fiscal year 2031, and in each fiscal year thereafter, 7,246;
- 1084 (b) the commission may issue a seasonal bar establishment license in accordance with
- 1085 Section [32B-5-206](#) to a bar licensee;
- 1086 (c) the commission may authorize as many as three bar establishment license locations
- 1087 within a hotel under one bar establishment license if:
- 1088 (i) the location, design, and construction of the hotel requires more than one bar license
- 1089 location within the hotel to serve the public convenience;
- 1090 (ii) the hotel has a minimum of 150 guest rooms;
- 1091 (iii) all locations under the bar establishment license are:
- 1092 (A) within the same hotel; and
- 1093 (B) on premises that are managed or operated, and owned or leased, by the bar
- 1094 establishment licensee;
- 1095 (d) the commission may authorize up to five dispensing [~~structures~~] locations under
- 1096 one equity license if the locations under the equity license:
- 1097 (i) are connected by a private roadway to which the equity licensee, each member of
- 1098 the equity licensee, and each guest has a legal right of access; and
- 1099 (ii) are located on premises managed or operated, and owned or leased, by the equity
- 1100 licensee;
- 1101 (e) except for a facility operating in accordance with Subsection (3)(d) or a hotel, a
- 1102 facility shall have a separate bar establishment license for each bar establishment license
- 1103 location where an alcoholic product is sold, offered for sale, or furnished;
- 1104 (f) when a business establishment undergoes a change of ownership, the commission
- 1105 may issue a bar establishment license to the new owner of the business establishment
- 1106 notwithstanding that there is no bar establishment license available under Subsection (3)(a) if:
- 1107 (i) the primary business activity at the business establishment before and after the
- 1108 change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;
- 1109 (ii) before the change of ownership there are two or more licensed premises on the
- 1110 business establishment that operate under a retail license, with at least one of the retail licenses

1111 being a bar establishment license;

1112 (iii) subject to Subsection (3)(g) the licensed premises of the bar establishment license
1113 issued under this Subsection (3)(f) is at the same location where the bar establishment license
1114 licensed premises was located before the change of ownership; and

1115 (iv) the person who is the new owner of the business establishment qualifies for the bar
1116 establishment license, except for there being no bar establishment license available under
1117 Subsection (3)(a); and

1118 (g) if a bar establishment licensee of a bar establishment license issued under
1119 Subsection (3)(f) requests a change of location, the bar establishment licensee may retain the
1120 bar establishment license after the change of location only if on the day on which the bar
1121 establishment licensee seeks a change of location a bar establishment license is available under
1122 Subsection (3)(a).

1123 Section 21. Section **32B-6-405** is amended to read:

1124 **32B-6-405. Specific licensing requirements for bar establishment license.**

1125 (1) To obtain a bar establishment license, in addition to complying with Chapter 5, Part
1126 2, Retail Licensing Process, a person shall submit with the written application:

1127 (a) (i) a statement as to whether the person is seeking to qualify as:

1128 (A) an equity licensee;

1129 (B) a fraternal licensee;

1130 (C) a dining club licensee; or

1131 (D) a bar licensee; and

1132 (ii) evidence that the person meets the requirements for the type of bar establishment
1133 license for which the person is applying;

1134 (b) evidence that the person operates a premises where a variety of food is prepared
1135 and served in connection with dining accommodations; and

1136 (c) if the person is applying for an equity license or fraternal license, a copy of the
1137 entity's bylaws or house rules, and an amendment to those records.

1138 (2) The commission may refuse to issue a bar establishment license to a person for an
1139 equity license or fraternal license if the commission determines that a provision of the person's
1140 bylaws or house rules, or amendments to those records is not:

1141 (a) reasonable; and

- 1142 (b) consistent with:
- 1143 (i) the declared nature and purpose of the bar establishment licensee; and
- 1144 (ii) the purposes of this part.
- 1145 (3) (a) A bar establishment license expires on June 30 of each year.
- 1146 (b) To renew a bar establishment license, a person shall comply with the requirements
- 1147 of Chapter 5, Part 2, Retail Licensing Process, by no later than May 31.
- 1148 (4) (a) The nonrefundable application fee for a bar establishment license is \$300.
- 1149 (b) (i) The initial license fee for a bar establishment license is \$2,750.
- 1150 (ii) The department shall prorate the \$2,750 initial license fee based on the number of
- 1151 months out of a year the bar establishment licensee is licensed before the day on which the bar
- 1152 establishment license expires.
- 1153 (c) The renewal fee for a bar establishment license is \$2,000.
- 1154 (5) The bond amount required for a bar establishment license is the penal sum of
- 1155 \$10,000.

1156 Section 22. Section **32B-6-504** is amended to read:

1157 **32B-6-504. Specific licensing requirements for airport lounge license.**

- 1158 (1) To obtain an airport lounge license, in addition to complying with Chapter 5, Part
- 1159 2, Retail Licensing Process, a person shall submit with the written application:
- 1160 (a) both the written consent of the local authority and the written consent of the airport
- 1161 authority; and
- 1162 (b) a copy of the sign proposed to be used by the airport lounge licensee on its licensed
- 1163 premises to inform the public that alcoholic products are sold and consumed on the licensed
- 1164 premises.
- 1165 (2) (a) An airport lounge license expires on October 31 of each year.
- 1166 (b) To renew a person's airport lounge license, a person shall comply with the renewal
- 1167 requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- 1168 (3) (a) The nonrefundable application fee for an airport lounge license is \$300.
- 1169 (b) (i) The initial license fee for an airport lounge license is \$8,000.
- 1170 (ii) The department shall prorate the \$8,000 initial license fee for the period that begins
- 1171 the day on which the initial license fee is paid and ends the day on which the airport lounge
- 1172 license expires.

- 1173 (c) The renewal fee for an airport lounge license is \$6,000.
- 1174 (4) The bond amount required for an airport lounge license is the penal sum of
- 1175 \$10,000.
- 1176 (5) An airport lounge license is not subject to the proximity requirements of Section
- 1177 [32B-1-202](#).
- 1178 Section 23. Section [32B-6-604](#) is amended to read:
- 1179 **32B-6-604. Specific licensing requirements for an on-premise banquet license.**
- 1180 (1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part
- 1181 2, Retail Licensing Process.
- 1182 (2) (a) An on-premise banquet license expires on October 31 of each year.
- 1183 (b) To renew a person's on-premise banquet license, a person shall comply with the
- 1184 requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- 1185 (3) (a) The nonrefundable application fee for an on-premise banquet license is \$300.
- 1186 (b) (i) The initial license fee for an on-premise banquet license is \$750.
- 1187 (ii) The department shall prorate the \$750 initial license fee for the period that begins
- 1188 the day on which the initial license fee is paid and ends the day on which the on-premise
- 1189 banquet license expires.
- 1190 (c) The renewal fee for an on-premise banquet license is \$750.
- 1191 (4) The bond amount required for an on-premise banquet license is the penal sum of
- 1192 \$10,000.
- 1193 (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or
- 1194 political subdivision of the state it is not required to:
- 1195 (a) pay an application fee, initial license fee, or renewal fee;
- 1196 (b) obtain the written consent of the local authority;
- 1197 (c) submit a copy of the applicant's current business license; or
- 1198 (d) post a bond as specified by Section [32B-5-204](#).
- 1199 (6) Notwithstanding Subsection [32B-5-303\(3\)](#), the department may approve an
- 1200 additional location in or on the licensed premises of an on-premise banquet licensee from
- 1201 which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the
- 1202 consumption of an alcoholic product that is not included in its original application only:
- 1203 (a) upon proper application by an on-premise banquet licensee; and

1204 (b) in accordance with guidelines approved by the commission.

1205 Section 24. Section **32B-6-605** is amended to read:

1206 **32B-6-605. Specific operational requirements for on-premise banquet license.**

1207 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1208 Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee
1209 shall comply with this section.

1210 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1211 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1212 (i) an on-premise banquet licensee;

1213 (ii) individual staff of an on-premise banquet licensee; or

1214 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

1215 (2) An on-premise banquet licensee shall comply with Subsections **32B-5-301**(4) and
1216 (5) for the entire premises of the hotel, resort facility, sports center, convention center,
1217 performing arts facility, arena, or restaurant venue that is the basis for the on-premise banquet
1218 license.

1219 (3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
1220 shall provide the department with advance notice of a scheduled banquet in accordance with
1221 rules made by the commission.

1222 (b) Any of the following may conduct a random inspection of a banquet:

1223 (i) an authorized representative of the commission or the department; or

1224 (ii) a law enforcement officer.

1225 (4) (a) An on-premise banquet licensee is not subject to Subsection **32B-5-302**(1), but
1226 shall make and maintain the records described in Subsection **32B-5-302**(2) and the records the
1227 commission or department requires.

1228 (b) Section **32B-1-205** applies to a record required to be made or maintained in
1229 accordance with this Subsection (4).

1230 (5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may
1231 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the
1232 location of the banquet.

1233 (b) [~~Except as provided in Subsection **32B-5-307**(4),~~] Notwithstanding Section
1234 **32B-5-307** and except as otherwise provided in this title:

1235 (i) [~~a host of a banquet, a patron, or~~] a person at a banquet other than the on-premise
1236 banquet licensee or staff of the on-premise banquet licensee, may not remove an alcoholic
1237 product from the premises of the banquet[-]; and

1238 [~~(c) Notwithstanding Subsections 32B-5-307(3) and (5) and except as provided in~~
1239 ~~Subsection 32B-5-307(4),]~~

1240 (ii) a patron at a banquet may not bring an alcoholic product into or onto[-~~or remove~~
1241 ~~an alcoholic product from,~~] the premises of [~~a~~] the banquet.

1242 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
1243 the banquet following the conclusion of the banquet.

1244 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

1245 (i) destroy an opened and unused alcoholic product that is not saleable, under
1246 conditions established by the department; and

1247 (ii) return to the on-premise banquet licensee's approved locked storage area any:

1248 (A) opened and unused alcoholic product that is saleable; and

1249 (B) unopened container of an alcoholic product.

1250 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container
1251 of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

1252 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
1253 locked storage area; and

1254 (ii) may use the alcoholic product at more than one banquet.

1255 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not
1256 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
1257 on-premise banquet licensee's banquet and room service activities.

1258 (8) An on-premise banquet licensee:

1259 (a) may provide room service in portions described in Section 32B-5-304;

1260 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
1261 connection with room service any day during a period that:

1262 (i) begins at 1 a.m.; and

1263 (ii) ends at 9:59 a.m.; and

1264 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
1265 product free of charge per guest reservation, per guest room, if the alcoholic product:

- 1266 (i) is not a spirituous liquor; and
1267 (ii) is in an unopened container not to exceed 750 milliliters.
1268 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
1269 more than two alcoholic products of any kind at a time before the patron.
1270 (b) A patron may not have more than one spirituous liquor drink at a time before the
1271 patron.
1272 (c) An individual portion of wine is considered to be one alcoholic product under
1273 Subsection (9)(a).
1274 (10) (a) An on-premise banquet licensee shall supervise and direct a person involved in
1275 the sale, offer for sale, or furnishing of an alcoholic product.
1276 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
1277 shall complete an alcohol training and education seminar.
1278 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
1279 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
1280 banquet.
1281 (12) (a) Room service of an alcoholic product to a guest room or privately owned
1282 dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise
1283 banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.
1284 (b) An alcoholic product may not be left outside a guest room or privately owned
1285 dwelling unit for retrieval by a guest or resident.
1286 (13) An on-premise banquet licensee may not maintain a minibar.
1287 Section 25. Section **32B-6-702** is amended to read:
1288 **32B-6-702. Definitions.**
1289 As used in this part:
1290 (1) "Commission-approved activity" means a leisure activity that:
1291 (a) the commission approves by rule made in accordance with Title 63G, Chapter 3,
1292 Utah Administrative Rulemaking Act; and
1293 (b) does not involve the use of a dangerous weapon.
1294 (2) (a) "Recreational amenity" means:
1295 (i) a billiard parlor;
1296 (ii) a pool parlor;

- 1297 (iii) a bowling facility;
- 1298 (iv) a golf course;
- 1299 (v) miniature golf;
- 1300 (vi) a golf driving range;
- 1301 (vii) a tennis club;
- 1302 (viii) a sports facility that hosts professional sporting events and has a seating capacity
- 1303 equal to or greater than [~~6,500~~] 5,000;
- 1304 (ix) a concert venue that has a seating capacity equal to or greater than [~~6,500~~] 5,000;
- 1305 (x) one of the following if owned by a government agency:
- 1306 (A) a convention center;
- 1307 (B) a fair facility;
- 1308 (C) an equestrian park;
- 1309 (D) a theater; or
- 1310 (E) a concert venue;
- 1311 (xi) an amusement park:
- 1312 (A) with one or more permanent amusement rides; and
- 1313 (B) located on at least 50 acres;
- 1314 (xii) a ski resort;
- 1315 (xiii) a venue for live entertainment if the venue:
- 1316 (A) is not regularly open for more than five hours on any day;
- 1317 (B) is operated so that food is available whenever beer is sold, offered for sale, or
- 1318 furnished at the venue; and
- 1319 (C) is operated so that no more than 15% of its total annual receipts are from the sale
- 1320 of beer;
- 1321 (xiv) concessions operated within the boundary of a park administered by the:
- 1322 (A) Division of State Parks; or
- 1323 (B) National Parks Service;
- 1324 (xv) a facility or venue that is a recreational amenity for a person licensed under this
- 1325 part before May 12, 2020;
- 1326 (xvi) a venue for karaoke; or
- 1327 (xvii) an enterprise developed around a commission-approved activity.

1328 (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if
1329 the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).

1330 Section 26. Section **32B-6-705** is amended to read:

1331 **32B-6-705. Specific licensing requirements for on-premise beer retailer license.**

1332 (1) To obtain an on-premise beer retailer license a person shall comply with Chapter 5,
1333 Part 2, Retail Licensing Process, except that an on-premise beer retailer is required to carry
1334 dramshop insurance coverage in accordance with Section **32B-5-201** only if the on-premise
1335 beer retailer sells more than \$5,000 of beer annually.

1336 (2) (a) An on-premise beer retailer license expires on the last day of February each
1337 year.

1338 (b) To renew a person's on-premise beer retailer license, a person shall comply with the
1339 renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January
1340 31.

1341 (3) (a) The nonrefundable application fee for an on-premise beer retailer license is
1342 \$300.

1343 (b) (i) (A) The initial license fee for an on-premise beer retailer license that is not a
1344 tavern is \$300.

1345 (B) The department shall prorate the \$300 initial license fee for the period that begins
1346 the day on which the initial license fee is paid and ends the day on which the on-premise beer
1347 retailer license expires.

1348 (ii) (A) The initial license fee for an on-premise beer retailer license that is a tavern is
1349 \$1,500.

1350 (B) The department shall prorate the \$1,500 initial license fee for the period that begins
1351 the day on which the initial license fee is paid and ends the day on which the on-premise beer
1352 retailer license expires.

1353 (c) (i) The renewal fee for an on-premise beer retailer license that is not a tavern is
1354 \$350.

1355 (ii) The renewal fee for an on-premise beer retailer license that is a tavern is \$1,250.

1356 (4) The bond amount required for an on-premise beer retailer license is the penal sum
1357 of \$5,000.

1358 (5) Notwithstanding the other provisions of this part, if an applicant is a state agency or

1359 political subdivision of the state it is not required to:

- 1360 (a) pay an application fee, initial license fee, or renewal fee;
- 1361 (b) obtain the written consent of the local authority;
- 1362 (c) submit a copy of the applicant's current business license; or
- 1363 (d) post a bond as specified by Section 32B-5-204.

1364 Section 27. Section 32B-6-804 is amended to read:

1365 **32B-6-804. Specific licensing requirements for reception center license.**

1366 (1) To obtain a reception center license a person shall comply with Chapter 5, Part 2,
1367 Retail Licensing Process.

1368 (2) (a) A reception center license expires on October 31 of each year.

1369 (b) To renew a person's reception center license, a person shall comply with the
1370 renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1371 September 30.

1372 (3) (a) The nonrefundable application fee for a reception center license is \$300.

1373 (b) (i) The initial license fee for a reception center license is \$750.

1374 (ii) The department shall prorate the \$750 initial license fee for the period that begins
1375 the day on which the initial license fee is paid and ends the day on which the reception center
1376 license expires.

1377 (c) The renewal fee for a reception center license is \$750.

1378 (4) The bond amount required for a reception center license is the penal sum of
1379 \$10,000.

1380 Section 28. Section 32B-6-902 is amended to read:

1381 **32B-6-902. Definitions.**

1382 (1) As used in this part:

1383 (a) (i) "Dining area" means an area in the licensed premises of a beer-only restaurant
1384 licensee that is primarily used for the service and consumption of food by one or more patrons.

1385 (ii) "Dining area" does not include a dispensing area.

1386 (b) (i) "Dispensing area" means an area in the licensed premises of a beer-only
1387 restaurant licensee where a dispensing structure is located and that:

1388 (A) is physically separated from the dining area and any waiting area by a structure or
1389 other barrier that prevents a patron seated in the dining area or a waiting area from viewing the

1390 dispensing of beer;

1391 (B) except as provided in Subsection (1)(b)(ii), measures at least 10 feet from the
1392 dining area and any waiting area to the nearest edge of the dispensing structure; or

1393 (C) is physically separated from the dining area and any waiting area by a permanent
1394 physical structure that complies with the provisions of Title 15A, State Construction and Fire
1395 Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,
1396 measures at least 42 inches high, and at least 60 inches from the inside edge of the barrier to
1397 the nearest edge of the dispensing structure.

1398 (ii) "Dispensing area" does not include any area described in Subsection (1)(b)(i)(B)
1399 that is less than 10 feet from an area where beer is dispensed, but from which a patron seated at
1400 a table or counter cannot view the dispensing of beer.

1401 (c) "Small beer-only restaurant licensee" means a beer-only restaurant licensee [~~that~~
1402 ~~has a grandfathered bar structure~~] whose dispensing area includes more than 45% of the
1403 available seating for patrons on the licensed premises, excluding outdoor seating:

1404 (i) when measured in accordance with Subsection (1)(b)(i)(B); and

1405 (ii) based on the licensee's floor plan on file with the department on July 1, 2017.

1406 (d) "Waiting area" includes a lobby.

1407 Section 29. Section **32B-6-904** is amended to read:

1408 **32B-6-904. Specific licensing requirements for beer-only restaurant license.**

1409 (1) To obtain a beer-only restaurant license a person shall comply with Chapter 5, Part
1410 2, Retail Licensing Process.

1411 (2) (a) A beer-only restaurant license expires the last day of February of each year.

1412 (b) To renew a person's beer-only restaurant license, a person shall comply with the
1413 renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January
1414 31.

1415 (3) (a) The nonrefundable application fee for a beer-only restaurant license is \$330.

1416 (b) (i) The initial license fee for a beer-only restaurant license is \$825.

1417 (ii) The department shall prorate the \$825 initial license fee for the period that begins
1418 the day on which the initial license fee is paid and ends the day on which the beer-only license
1419 expires.

1420 (c) The renewal fee for a beer-only restaurant license is \$605.

1421 (4) The bond amount required for a beer-only restaurant license is the penal sum of
1422 \$5,000.

1423 Section 30. Section **32B-6-1004** is amended to read:

1424 **32B-6-1004. Specific licensing requirements for a hospitality amenity license.**

1425 (1) To obtain a hospitality amenity license a person shall comply with Chapter 5, Part
1426 2, Retail Licensing Process.

1427 (2) (a) A hospitality amenity license expires on October 31 of each year.

1428 (b) To renew a person's hospitality amenity license, a person shall comply with the
1429 renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
1430 September 30.

1431 (3) (a) The nonrefundable application fee for a hospitality amenity license is \$330.

1432 (b) (i) The initial license fee for a hospitality amenity license is \$2,000.

1433 (ii) The department shall prorate the \$2,000 initial license fee for the period that begins
1434 the day on which the initial license fee is paid and ends the day on which the hospitality
1435 amenity license expires.

1436 (c) The renewal fee for a hospitality amenity license is \$1,000.

1437 (4) The bond amount required for a hospitality amenity license is the penal sum of
1438 \$10,000.

1439 (5) Notwithstanding Subsection **32B-5-303(3)**, the commission may approve an
1440 additional location in or on the licensed premises of a hospitality amenity licensee from which
1441 the hospitality amenity licensee may store, sell, offer for sale, furnish, or allow the
1442 consumption of an alcoholic product that is not included in the person's original application
1443 only:

1444 (a) upon proper application by a hospitality amenity licensee; and

1445 (b) in accordance with guidelines the commission approves.

1446 Section 31. Section **32B-7-202** is amended to read:

1447 **32B-7-202. General operational requirements for off-premise beer retailer.**

1448 (1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
1449 with the provisions of this title and any applicable rules made by the commission.

1450 (b) Failure to comply with this section may result in a suspension or revocation of a
1451 local license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3,

1452 Disciplinary Actions and Enforcement Act.

1453 (2) (a) (i) An off-premise beer retailer may not purchase, acquire, possess for the
1454 purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases
1455 from:

1456 (A) a beer wholesaler licensee; or

1457 (B) a small brewer that manufactures the beer.

1458 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.

1459 (b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
1460 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer
1461 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
1462 in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by
1463 the department to sell to the off-premise beer retailer as provided in Section [32B-13-301](#).

1464 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

1465 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
1466 container larger than two liters.

1467 (4) (a) Staff of an off-premise beer retailer, while on duty, may not:

1468 (i) consume an alcoholic product; or

1469 (ii) be intoxicated.

1470 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
1471 unless:

1472 (i) the sale is done under the supervision of a person 21 years old or older who is on the
1473 licensed premises; and

1474 (ii) the minor is at least 16 years old.

1475 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic
1476 product to:

1477 (a) a minor;

1478 (b) a person actually, apparently, or obviously intoxicated;

1479 (c) a known interdicted person; or

1480 (d) a known habitual drunkard.

1481 (6) (a) Subject to the other provisions of this Subsection (6), an off-premise beer
1482 retailer shall:

1483 (i) display all beer accessible by and visible to a patron in no more than two locations
1484 on the retail sales floor, each of which is:

1485 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
1486 beverage displayed; and

1487 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler
1488 with a door from which the nonalcoholic beverages are not accessible, or the beer is separated
1489 from the display of nonalcoholic beverages by a display of one or more nonbeverage products
1490 or another physical divider; and

1491 (ii) display a sign in the area described in Subsection (6)(a)(i) that:

1492 (A) is prominent;

1493 (B) is easily readable by a consumer;

1494 (C) meets the requirements for format established by the commission by rule; and

1495 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain
1496 alcohol. Please read the label carefully."

1497 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
1498 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.

1499 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
1500 labeled, packaged, or advertised as:

1501 (i) a malt cooler; or

1502 (ii) a beverage that may provide energy.

1503 (d) A violation of this Subsection (6) is an infraction.

1504 (e) (i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i)
1505 apply on and after May 9, 2017.

1506 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
1507 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.

1508 (7) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
1509 who sells beer to a patron for consumption off the premises of the off-premise beer retailer
1510 shall wear a unique identification badge:

1511 (i) on the front of the staff's clothing;

1512 (ii) visible above the waist;

1513 (iii) bearing the staff's:

- 1514 (A) first or last name;
- 1515 (B) initials; or
- 1516 (C) unique identification in letters or numbers; and
- 1517 (iv) with the number or letters on the unique identification badge being sufficiently
- 1518 large to be clearly visible and identifiable while engaging in or directly supervising the retail
- 1519 sale of beer.
- 1520 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 1521 unique identification badge assigned by the off-premise beer retailer that includes the staff's:
- 1522 (i) full name;
- 1523 (ii) address; and
- 1524 (iii) (A) driver license number; or
- 1525 (B) similar identification number.
- 1526 (c) An off-premise beer retailer shall make available a record required to be made or
- 1527 maintained under this Subsection (7) for immediate inspection by:
- 1528 (i) a peace officer;
- 1529 (ii) a representative of the local authority that issues the off-premise beer retailer
- 1530 license; or
- 1531 (iii) for an off-premise beer retailer state license, a representative of the commission or
- 1532 department.
- 1533 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 1534 retailer that does not comply or require its staff to comply with this Subsection (7).
- 1535 (8) (a) An off-premise beer retailer may sell, offer for sale, or furnish beer through a
- 1536 drive through window.
- 1537 (b) Subsection (8)(a) does not modify the display limitations and requirements
- 1538 described in Subsection (6).
- 1539 (9) An off-premise beer retailer may not on the licensed premises:
- 1540 (a) engage in or permit any form of:
- 1541 (i) gambling, as defined in Section 76-10-1101; or
- 1542 (ii) fringe gambling, as defined in Section 76-10-1101;
- 1543 (b) have any fringe gaming device, video gaming device, or gambling device or record
- 1544 as defined in Section 76-10-1101; or

1545 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
1546 the risking of something of value for a return or for an outcome when the return or outcome is
1547 based upon an element of chance, excluding the playing of an amusement device that confers
1548 only an immediate and unrecorded right of replay not exchangeable for value.

1549 (10) An off-premise beer retailer may not knowingly allow a person on the licensed
1550 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter
1551 37a, Utah Drug Paraphernalia Act:

1552 (a) sell, distribute, possess, or use a controlled substance, as defined in Section
1553 [58-37-2](#); or

1554 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
1555 Section [58-37a-3](#).

1556 (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
1557 intended to be frozen and consumed in a manner other than as a beverage, including beer in the
1558 form of a freeze pop, popsicle, ice cream, or sorbet.

1559 Section 32. Section **32B-8-102** is amended to read:

1560 **32B-8-102. Definitions.**

1561 As used in this chapter:

1562 (1) "Boundary of a resort building" means the physical boundary of the real property
1563 reasonably related to a resort building and any structure or improvement to that land as
1564 determined by the commission.

1565 (2) "Designated conveyance area" means a route within a hotel or resort:

1566 (a) that connects one or more of the following:

1567 (i) the premises of a sublicensed bar;

1568 (ii) the premises of a sublicensed hospitality amenity area;

1569 (iii) a sublicensed banquet premises; or

1570 (iv) a guest's room; and

1571 (b) that does not begin, end, or pass through a pool area or other recreation area, a
1572 designated business center, or a sublicensed premises not described in Subsection (2)(a).

1573 ~~[(2)]~~ (3) "Dwelling" means a portion of a resort building:

1574 (a) owned by one or more individuals;

1575 (b) that is used or designated for use as a residence by one or more persons; and

1576 (c) that may be rented, loaned, leased, or hired out for a period of no longer than 30
1577 consecutive days by a person who uses it for a residence.

1578 [~~(3)~~] (4) "Engaged in the management of the resort" may be defined by the commission
1579 by rule.

1580 [~~(4)~~] (5) "Resident" means an individual who:

1581 (a) owns a dwelling located within a resort building; or

1582 (b) rents lodging accommodations for 30 consecutive days or less from:

1583 (i) an owner of a dwelling described in Subsection [~~(4)~~](a) (5)(a); or

1584 (ii) the resort licensee.

1585 [~~(5)~~] (6) "Resort" means a location:

1586 (a) on which is located one resort building; and

1587 (b) that is affiliated with a ski area that physically touches the boundary of the resort
1588 building.

1589 [~~(6)~~] (7) "Resort building" means a building:

1590 (a) that is primarily operated to provide dwellings or lodging accommodations;

1591 (b) that has at least 150 units that consist of a dwelling or lodging accommodations;

1592 (c) that consists of at least 400,000 square feet:

1593 (i) including only the building itself; and

1594 (ii) not including areas such as above ground surface parking; and

1595 (d) of which at least 50% of the units described in Subsection [~~(6)~~](b) (7)(b) consist of
1596 dwellings owned by a person other than the resort licensee.

1597 Section 33. Section **32B-8-201** is amended to read:

1598 **32B-8-201. Commission's power to issue a resort license.**

1599 (1) Before a person as a resort under a single license may store, sell, offer for sale,
1600 furnish, or allow the consumption of an alcoholic product on sublicense premises, the person
1601 shall first obtain a resort license from the commission in accordance with this part.

1602 (2) (a) The commission may issue to a person a resort license to allow the storage, sale,
1603 offer for sale, furnishing, and consumption of an alcoholic product in connection with a resort
1604 designated in the resort license if the person operates at least four sublicenses under the resort
1605 license.

1606 (b) A resort license shall:

1607 (i) consist of:
1608 (A) a general resort license; and
1609 (B) four or more sublicenses; and
1610 (ii) designate the boundary of the resort building, each sublicense, and each designated
1611 conveyance area.

1612 (c) This chapter does not prohibit an alcoholic product in or on the boundary of the
1613 resort building to the extent otherwise permitted by this title.

1614 (3) The commission may not issue a total number of resort licenses that at any time
1615 totals more than eight.

1616 Section 34. Section **32B-8-202** is amended to read:

1617 **32B-8-202. Specific licensing requirements for resort license.**

1618 (1) To obtain a resort license, in addition to complying with Chapter 5, Part 2, Retail
1619 Licensing Process, a person shall submit with the person's written application:

1620 (a) evidence:

1621 (i) of proximity of the resort building to any community location;

1622 (ii) that each proposed sublicensed premises is entirely within the boundaries of the
1623 resort building; and

1624 (iii) that the building designated in the application as the resort building qualifies as a
1625 resort building; [~~and~~]

1626 (b) a description and boundary map of the resort building[-];

1627 (c) a description, floor plan, and boundary map of each proposed designated
1628 conveyance area; and

1629 (d) a signed consent form stating that the resort licensee will permit any authorized
1630 representative of the commission or department, or any law enforcement officer, to have an
1631 unrestricted right to enter any proposed designated conveyance area.

1632 (2) (a) A resort license expires on October 31 of each year.

1633 (b) To renew a person's resort license, the person shall comply with the requirements of
1634 Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

1635 (3) (a) The nonrefundable application fee for a resort license is \$300.

1636 (b) The initial license fee for a resort license is calculated as follows:

1637 (i) if four sublicenses are being applied for under the resort license, \$10,000; or

1638 (ii) if more than four sublicenses are being applied for under the resort license, the sum
1639 of:

1640 (A) \$10,000; and

1641 (B) \$2,000 for each sublicense in excess of four sublicenses for which the person is
1642 applying.

1643 (c) The renewal fee for a resort license is \$1,000 for each sublicense under the resort
1644 license.

1645 (4) (a) The bond amount required for a resort license is the penal sum of \$25,000[-],
1646 covering each sublicense and each designated conveyance area under the resort license.

1647 (b) A resort licensee is not required to have a separate bond for each sublicense[-]
1648 ~~except that the aggregate of the bonds posted by the resort licensee shall cover each sublicense~~
1649 ~~under the resort license]~~ or each designated conveyance area.

1650 (5) The commission may not issue a resort license for a resort building that does not
1651 meet the proximity requirements of Section 32B-1-202.

1652 (6) In accordance with Subsection 32B-8d-103(4), a resort licensee may request to add
1653 a sublicense after the commission issues the resort licensee's resort license.

1654 (7) (a) A resort licensee may request to add a designated conveyance area after the
1655 commission issues the resort licensee's resort license.

1656 (b) If a resort licensee seeks to add a designated conveyance area under Subsection
1657 (7)(a), the resort licensee shall submit to the department:

1658 (i) the information and evidence described in Subsections (1)(a)(iii), (1)(c), and (1)(d);
1659 and

1660 (ii) if the resort licensee is an entity, proper verification evidencing that the person who
1661 signs the submission is authorized to sign on behalf of the entity.

1662 Section 35. Section 32B-8-401 is amended to read:

1663 **32B-8-401. Specific operational requirements for resort license.**

1664 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1665 Requirements, a resort licensee, staff of the resort licensee, and a sublicensee or a person
1666 otherwise operating under a sublicense shall comply with this section.

1667 (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
1668 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and

1669 Enforcement Act, against:

1670 (i) the resort licensee;

1671 (ii) individual staff of the resort licensee;

1672 (iii) a sublicensee or person otherwise operating under a sublicense of the resort

1673 licensee;

1674 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense

1675 of the resort licensee; or

1676 (v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).

1677 (2) (a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product

1678 except:

1679 (i) on sublicensed premises;

1680 (ii) pursuant to a permit issued under this title;

1681 (iii) under a package agency agreement with the department, subject to Chapter 2, Part

1682 6, Package Agency; or

1683 (iv) through room service.

1684 (b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as

1685 provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic product:

1686 (i) if on a sublicense premises, in accordance with the operational requirements

1687 described in Section [32B-8d-104](#);

1688 (ii) if under a permit issued under this title, in accordance with the operational

1689 requirements under the provisions applicable to the permit;

1690 (iii) if as a package agency, in accordance with the contract with the department and

1691 Chapter 2, Part 6, Package Agency; and

1692 (iv) if through room service, in accordance with Subsection ~~[(5)]~~ (6).

1693 (3) A resort licensee shall operate in a manner so that at least 70% of the annual

1694 aggregate of the gross receipts related to the sale of food or beverages for the resort license and

1695 each of the resort licensee's sublicenses is from the sale of food, not including:

1696 (a) mix for an alcoholic product; and

1697 (b) a charge in connection with the service of an alcoholic product.

1698 (4) (a) A resort licensee shall supervise and direct a person involved in the sale, offer

1699 for sale, or furnishing of an alcoholic product under a resort license.

1700 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
1701 under a resort license shall complete the alcohol training and education seminar.

1702 (5) (a) A resort licensee shall:

1703 (i) in accordance with commission rule, establish and maintain signage that clearly
1704 identifies each designated conveyance area and conspicuously states that a patron may not take
1705 an alcoholic beverage beyond the designated conveyance area except as otherwise provided in
1706 this chapter;

1707 (ii) ensure that an alcoholic beverage is not left unattended in a designated conveyance
1708 area; and

1709 (iii) ensure that each patron complies with the requirements of Subsection
1710 [32B-8d-104\(5\)\(b\)\(ii\)](#).

1711 [~~(5)~~] (6) (a) [Room] Staff of the resort licensee shall provide room service of an
1712 alcoholic product to a lodging accommodation of a resort licensee [shall be provided] in person
1713 [by staff of the resort licensee] only to an adult occupant in the lodging accommodation.

1714 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
1715 by an occupant.

1716 Section 36. Section **32B-8b-102** is amended to read:

1717 **32B-8b-102. Definitions.**

1718 As used in this chapter:

1719 (1) "Boundary of a hotel" means the physical boundary of one or more contiguous
1720 parcels of real property owned or managed by the same person and on which a hotel is located.

1721 (2) "Designated conveyance area" means a route within a hotel or resort:

1722 (a) that connects one or more of the following:

1723 (i) the premises of a sublicensed bar;

1724 (ii) the premises of a sublicensed hospitality amenity area;

1725 (iii) a sublicensed banquet premises; or

1726 (iv) a guest's room; and

1727 (b) does not begin, end, or pass through a pool area or other recreation area, a
1728 designated business center, or a sublicensed premises not described in Subsection (2)(a).

1729 [~~(2)~~] (3) "Hotel" means one or more buildings that:

1730 (a) comprise a hotel, as defined by the commission;

1731 (b) are owned or managed by the same person or by a person who has a majority
1732 interest in or can direct or exercise control over the management or policy of the person who
1733 owns or manages any other building under the hotel license within the boundary of the hotel;

1734 (c) primarily operate to provide lodging accommodations;

1735 (d) have on-premise banquet space and provide on-premise banquet service within the
1736 boundary of the hotel meeting the requirements of this title;

1737 (e) have a restaurant or bar establishment within the boundary of the hotel meeting the
1738 requirements of this title; and

1739 (f) have at least 40 rooms as temporary sleeping accommodations for compensation.

1740 Section 37. Section **32B-8b-201** is amended to read:

1741 **32B-8b-201. Commission's power to issue a hotel license.**

1742 (1) Before a person as a hotel under a single license may store, sell, offer for sale,
1743 furnish, or allow the consumption of an alcoholic product on sublicense premises, the person
1744 shall first obtain a hotel license from the commission in accordance with this part.

1745 (2) (a) The commission may issue to a person a hotel license to allow the storage, sale,
1746 offer for sale, furnishing, and consumption of an alcoholic product in connection with a hotel
1747 designated in the hotel license if the person operates at least three sublicenses under the hotel
1748 license:

1749 (i) one of which is an on-premise banquet license; and

1750 (ii) one of which is:

1751 (A) a full-service restaurant sublicense;

1752 (B) a limited-service restaurant sublicense;

1753 (C) a beer-only restaurant sublicense; or

1754 (D) a bar establishment sublicense.

1755 (b) A hotel license shall:

1756 (i) consist of:

1757 (A) a general hotel license; and

1758 (B) three or more sublicenses meeting the requirements of Subsection (2)(a); and

1759 (ii) designate the boundary of the hotel [~~and~~], sublicenses[~~;~~], and each designated
1760 conveyance area.

1761 (c) This chapter does not prohibit an alcoholic product on the boundary of the hotel to

1762 the extent otherwise permitted by this title.

1763 (3) The commission may not issue a total number of hotel licenses that at any time
1764 totals more than 80.

1765 Section 38. Section **32B-8b-202** is amended to read:

1766 **32B-8b-202. Specific licensing requirements for hotel license.**

1767 (1) To obtain a hotel license, in addition to complying with Chapter 5, Part 2, Retail
1768 Licensing Process, a person shall submit with the person's written application:

1769 (a) evidence:

1770 (i) of proximity of each building under the hotel license to any community location;

1771 (ii) that each proposed sublicensed premises is entirely within the boundary of the
1772 hotel; and

1773 (iii) that each building designated in the application as a building under the hotel
1774 license qualifies to be under the hotel license; [~~and~~]

1775 (b) a description and boundary map of the hotel[-.];

1776 (c) a description, floor plan, and boundary map of each proposed designated
1777 conveyance area; and

1778 (d) a signed consent form stating that the hotel licensee will permit any authorized
1779 representative of the commission or department, or any law enforcement officer, to have an
1780 unrestricted right to enter any proposed designated conveyance area.

1781 (2) (a) A hotel license expires on October 31 of each year.

1782 (b) To renew a person's hotel license, the person shall comply with the requirements of
1783 Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

1784 (3) (a) The nonrefundable application fee for a hotel license is \$500.

1785 (b) The initial license fee for a hotel license is calculated as follows:

1786 (i) if three sublicenses are being applied for under the hotel license, \$5,000; or

1787 (ii) if more than three sublicenses are being applied for under the hotel license, the sum

1788 of:

1789 (A) \$5,000; and

1790 (B) \$2,000 for each sublicense in excess of three sublicenses for which the person is
1791 applying.

1792 (c) The renewal fee for a hotel license is \$1,000 for each sublicense under the hotel

1793 license.

1794 (4) (a) The bond amount required for a hotel license is the penal sum of \$10,000,
1795 covering each sublicense and each designated conveyance area under the hotel license.

1796 (b) A hotel licensee is not required to have a separate bond for each sublicense~~[, except~~
1797 ~~that the aggregate of the bonds posted by the hotel licensee shall cover each sublicense under~~
1798 ~~the hotel license]~~ or each designated conveyance area.

1799 (5) The commission may not issue a hotel license that includes a building under the
1800 hotel license that does not meet the proximity requirements of Section [32B-1-202](#).

1801 (6) In accordance with Subsection [32B-8d-103\(4\)](#), a hotel licensee may request to add a
1802 sublicense after the commission issues the hotel licensee's hotel license.

1803 (7) (a) A hotel licensee may request to add a designated conveyance area after the
1804 commission issues the hotel licensee's hotel license.

1805 (b) If a hotel licensee seeks to add a designated conveyance area under Subsection
1806 (7)(a), the hotel licensee shall submit to the department:

1807 (i) the information and evidence described in Subsections (1)(a)(iii), (1)(c), and (1)(d);
1808 and

1809 (ii) if the hotel licensee is an entity, proper verification evidencing that the person who
1810 signs the submission is authorized to sign on behalf of the entity.

1811 Section 39. Section **32B-8b-301** is amended to read:

1812 **32B-8b-301. Specific operational requirements for hotel license.**

1813 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
1814 Requirements, a hotel licensee, staff of the hotel licensee, and a sublicensee or person
1815 otherwise operating under a sublicense shall comply with this section.

1816 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
1817 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

1818 (i) the hotel licensee;

1819 (ii) individual staff of the hotel licensee;

1820 (iii) a sublicensee or person otherwise operating under a sublicense of the hotel
1821 licensee;

1822 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense
1823 of the hotel licensee; or

1824 (v) any combination of the persons listed in this Subsection (1)(b).
1825 (2) (a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product
1826 except:
1827 (i) on sublicensed premises;
1828 (ii) pursuant to a permit issued under this title;
1829 (iii) under a package agency agreement with the department, subject to Chapter 2, Part
1830 6, Package Agency; or
1831 (iv) through room service.
1832 (b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as
1833 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:
1834 (i) if on sublicensed premises, in accordance with the operational requirements
1835 described in Section 32B-8d-104;
1836 (ii) if under a permit issued under this title, in accordance with the operational
1837 requirements under the provisions applicable to the permit;
1838 (iii) if as a package agency, in accordance with the contract with the department and
1839 Chapter 2, Part 6, Package Agency; and
1840 (iv) if through room service, in accordance with Subsection [~~(4)~~] (5).
1841 (c) Notwithstanding the other provisions of this Subsection (2) and except as provided
1842 in Section 32B-8d-104, a hotel licensee may not permit a patron to carry an alcoholic product
1843 off the premises of a sublicense in violation of Section 32B-5-307 [~~or~~], off an area designated
1844 under a permit, or off a designated conveyance area.
1845 (3) A hotel licensee shall supervise and direct a person involved in the sale, offer for
1846 sale, or furnishing of an alcoholic product under a hotel license.
1847 (4) (a) A hotel licensee shall:
1848 (i) in accordance with commission rule, establish and maintain signage that clearly
1849 identifies each designated conveyance area and conspicuously states that a patron may not take
1850 an alcoholic beverage beyond the designated conveyance area except as otherwise provided in
1851 this chapter;
1852 (ii) ensure that an alcoholic beverage is not left unattended in a designated conveyance
1853 area; and
1854 (iii) ensure that each patron complies with the requirements of Subsection

1855 [32B-8d-104\(5\)\(b\)\(ii\)](#).

1856 (b) In accordance with Subsection (2), a hotel licensee may not sell, offer for sale, or
1857 furnish an alcoholic product in a designated conveyance area.

1858 [~~(4)~~] (5) (a) [~~Room~~] Staff of the hotel licensee shall provide room service of an
1859 alcoholic product to a lodging accommodation of a hotel licensee [~~shall be provided~~] in person
1860 [~~by staff of the hotel licensee~~] only to an adult occupant in the lodging accommodation.

1861 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
1862 by an occupant.

1863 [~~(5)~~] (6) A hotel licensee shall operate in a manner so that at least 70% of the annual
1864 aggregate of the gross receipts related to the sale of food or beverages for the hotel license and
1865 each of the hotel license's sublicenses is from the sale of food, not including:

1866 (a) mix for an alcoholic product; and

1867 (b) a charge in connection with the service of an alcoholic product.

1868 Section 40. Section **32B-8d-104** is amended to read:

1869 **32B-8d-104. General operational requirements for a sublicense.**

1870 (1) Except as provided in Subsections (2) through [~~(3)~~] (5), a person operating under a
1871 sublicense is subject to the operational requirements under the provisions applicable to the
1872 sublicense.

1873 (2) Notwithstanding a requirement in the provisions applicable to the sublicense, a
1874 person operating under the sublicense is not subject to a requirement that a certain percentage
1875 of the gross receipts for the sublicense be from the sale of food, except to the extent that the
1876 gross receipts for the sublicense are included in calculating the percentages under Subsections
1877 [32B-8-401\(3\)](#), [~~32B-8b-301(5)~~] [32B-8b-301\(6\)](#), and [32B-8c-301\(3\)](#).

1878 (3) Notwithstanding [~~Section 32B-5-307:~~] Sections [32B-5-307](#) and,

1879 [~~(a)~~] a patron may transport beer between the sublicensed premises of an arena
1880 licensee's accompanying sublicenses, if the patron transports the beer from and to an area of
1881 each sublicensed premises:

1882 [~~(i)~~] (a) that is adjacent to the other; and

1883 [~~(ii)~~] (b) where the consumption of beer is permitted[~~;~~and].

1884 [~~(b)~~] (4) Notwithstanding Section [32B-5-307](#), staff of a sublicensee or person
1885 otherwise operating under a sublicense of a hotel licensee or a resort licensee may transport an

1886 alcoholic beverage from and to sublicensed premises of the hotel license or resort license, if:

1887 [~~(i)~~] (a) the sublicensee is:

1888 [~~(A)~~] (i) a full-service restaurant sublicensee;

1889 [~~(B)~~] (ii) a limited-service restaurant sublicensee;

1890 [~~(C)~~] (iii) a bar establishment sublicensee;

1891 [~~(D)~~] (iv) a beer-only restaurant sublicensee; or

1892 [~~(E)~~] (v) an on-premise beer retailer sublicensee;

1893 [~~(i)~~] (b) the individual staff carries the alcoholic beverage:

1894 [~~(A)~~] (i) from the sublicensed premises of a sublicensee described in Subsection

1895 [~~(3)(b)(i)~~] (4)(a);

1896 [~~(B)~~] (ii) briefly through an unlicensed area or briefly through sublicensed premises on
1897 which the type of alcoholic beverage that the individual staff carries is permitted; and

1898 [~~(C)~~] (iii) to the sublicensed premises of a sublicensee described in Subsection

1899 [~~(3)(b)(i)~~] (4)(a); and

1900 [~~(iii)~~] (c) the individual staff at all times stays within:

1901 [~~(A)~~] (i) the boundary of the hotel; or

1902 [~~(B)~~] (ii) the boundary of the resort building.

1903 [~~(4)~~] (5) (a) Notwithstanding Section [32B-5-307](#), [32B-6-605](#), or [32B-6-1005](#), a patron

1904 may transport an alcoholic beverage between any of the following locations, if the patron

1905 lawfully obtained the alcoholic beverage on the premises of a sublicensee described in

1906 Subsections (5)(a)(i) through (iv) and complies with Subsection (5)(b):

1907 (i) a bar establishment sublicensee's sublicensed premises;

1908 (ii) a hospitality amenity sublicensee's sublicensed premises;

1909 (iii) an on-premise banquet sublicensee's sublicensed premises; and

1910 (iv) a guest room.

1911 (b) A patron may transport an alcoholic beverage in accordance with Subsection (5)(a)

1912 only if:

1913 (i) the patron travels exclusively within a designated conveyance area as defined in

1914 Section [32B-8-102](#) or [32B-8b-102](#); and

1915 (ii) the alcoholic beverage:

1916 (A) is not in the alcoholic beverage's original container; and

1917 (B) is in an opaque or solid color container that is readily identifiable as intended for
1918 use in a designated conveyance area.

1919 (6) Except as provided in Section [32B-8-502](#), for purposes of interpreting an
1920 operational requirement imposed by the provisions applicable to a sublicense:

1921 (a) a requirement imposed on a sublicensee or person operating under a sublicense
1922 applies to the principal licensee; and

1923 (b) a requirement imposed on staff of a sublicensee or person operating under a
1924 sublicense applies to staff of the principal licensee.

1925 Section 41. Section **32B-10-202** is amended to read:

1926 **32B-10-202. Application for special use permit -- Qualifications.**

1927 (1) To obtain a special use permit, a person shall submit to the department:

1928 (a) a written application in a form prescribed by the department;

1929 (b) a nonrefundable application fee, if required by the relevant part of this chapter
1930 applicable to the type of special use permit for which the person applies;

1931 (c) an initial permit fee:

1932 (i) if required by the relevant part of this chapter applicable to the type of special use
1933 permit for which the person applies; and

1934 (ii) that is refundable if a special use permit is not issued;

1935 (d) a one-time special use permit fee if required by a section of this chapter:

1936 (i) applicable to the type of special use permit for which the person applies; and

1937 (ii) that is refundable if a special use permit is not issued;

1938 (e) a statement of the purpose for which the person applies for the special use permit;

1939 (f) a description of the types of alcoholic product the person intends to use under
1940 authority of the special use permit;

1941 (g) written consent of the local authority;

1942 (h) if required, a bond as provided in Section [32B-10-205](#);

1943 (i) a floor plan of the immediate area within the premises in which the person proposes
1944 that an alcoholic product will be used, mixed, stored, sold, or consumed if required by the
1945 relevant part of this chapter applicable to the type of special use permit for which the person
1946 applies;

1947 (j) a signed consent form stating that the special use permittee will permit any

1948 authorized representative of the commission, department, or any other law enforcement officer
1949 to have unrestricted right to enter the special use permittee's premises;

1950 (k) if the person is an entity, proper verification evidencing that a person who signs the
1951 application is authorized to sign on behalf of the entity; and

1952 (l) any other information the commission or department may require.

1953 (2) (a) The commission may issue a special use permit only to a person who qualifies
1954 as follows:

1955 (i) the commission may issue a religious wine use permit to a religious organization;

1956 (ii) the commission may issue an industrial or manufacturing use permit to a person
1957 engaged in an industrial or manufacturing pursuit;

1958 (iii) the commission may issue a scientific or educational use permit to a person
1959 engaged in a scientific or educational pursuit; and

1960 (iv) the commission may issue a public service permit to:

1961 (A) an operator of an airline, railroad, or other public conveyance[-]; or

1962 (B) an entity with authorization from an international airport to establish and operate a
1963 hospitality room at the international airport.

1964 (b) The commission may not issue a special use permit to a person who is disqualified
1965 under Section [32B-1-304](#).

1966 (c) If a person to whom a special use permit is issued no longer possesses the
1967 qualifications required by this title for obtaining that special use permit, the commission may
1968 suspend or revoke that special use permit.

1969 Section 42. Section **32B-10-303** is amended to read:

1970 **32B-10-303. Specific application and renewal requirements for public service**
1971 **permit.**

1972 (1) To obtain a public service permit, in addition to complying with Section
1973 [32B-10-202](#), a person shall submit to the department:

1974 (a) a statement of the total of regularly numbered flights, trains, buses, boats, or other
1975 types of public conveyance for which the person plans to use the special use permit;

1976 (b) a floor plan of any room or facility in which the person plans to establish a
1977 hospitality room; and

1978 (c) evidence of proximity of a proposed hospitality room to:

- 1979 (i) the arrival and departure area used by a person traveling on the person's airline,
 1980 railroad, bus, boat, or other public conveyance[-]; or
 1981 (ii) if the applicant is a person described in Subsection [32B-10-202\(2\)\(a\)\(iv\)\(B\)](#), the
 1982 arrival and departure area of another person's airline.
- 1983 (2) (a) The nonrefundable application fee for a public service permit is \$75.
 1984 (b) The initial permit fee for a public service permit is \$250.
 1985 (c) The bond amount required for a public service permittee is the penal sum of \$1,000.
- 1986 (3) (a) To renew a public service permit, a person shall comply with Section
 1987 [32B-10-203](#).
- 1988 (b) (i) [~~The~~] Except as provided in Subsection (3)(b)(ii), the renewal fee for a public
 1989 service permit is \$30 for each regularly numbered passenger airplane flight, passenger train,
 1990 bus, boat, or any other regularly scheduled public conveyance upon which an alcoholic product
 1991 is sold, offered for sale, or furnished.
- 1992 (ii) For an applicant described in Subsection [32B-10-202\(2\)\(a\)\(iv\)\(B\)](#), the renewal fee
 1993 for a public service permit is \$5,000.
- 1994 Section 43. Section **32B-10-304** is amended to read:
 1995 **32B-10-304. Specific operational requirements for a public service permit.**
- 1996 (1) (a) In addition to complying with Section [32B-10-206](#), a public service permittee
 1997 and staff of the public service permittee shall comply with this section.
- 1998 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
 1999 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 2000 (i) a public service permittee;
 2001 (ii) individual staff of a public service permittee; or
 2002 (iii) both a public service permittee and staff of the public service permittee.
- 2003 (2) (a) A public service permittee described in Subsection [32B-10-202\(2\)\(a\)\(iv\)\(A\)](#)
 2004 whose public conveyances operate on an interstate basis may do the following:
- 2005 (i) purchase an alcoholic product outside of the state;
 2006 (ii) bring an alcoholic product purchased outside of the state into the state; and
 2007 (iii) sell, offer for sale, and furnish an alcoholic product purchased outside of the state
 2008 to a passenger traveling on the public service permittee's public conveyance for consumption
 2009 while en route on the public conveyance.

2010 (b) A public service permittee described in Subsection 32B-10-202(2)(a)(iv)(A) whose
2011 public conveyance operates solely within the state~~[-to]~~:

2012 (i) may sell, offer for sale, or furnish an alcoholic product to a passenger traveling on
2013 the public service permittee's public conveyance for consumption while en route on the public
2014 conveyance~~[-, shall purchase:]~~; and

2015 (ii) shall purchase:

2016 ~~[(i)]~~ (A) liquor from a state store or package agency; and

2017 ~~[(i)]~~ (B) beer from a beer wholesaler licensee.

2018 (c) A public service permittee described in Subsection 32B-10-202(2)(a)(iv)(B):

2019 (i) may sell, offer for sale, or furnish an alcoholic product to a patron at the public
2020 service permittee's hospitality room; and

2021 (ii) shall purchase:

2022 (A) liquor from a state store or package agency; and

2023 (B) beer from a beer wholesaler licensee.

2024 (3) (a) A public service permittee may establish a hospitality room, if:

2025 (i) (A) the room is located within a depot, terminal, or similar facility adjacent to and
2026 servicing the public service permittee's airline, railroad, bus, boat, or other public conveyance;
2027 or

2028 (B) the room is located within a terminal at an international airport and servicing
2029 another public service permittee's airline;

2030 (ii) the room is completely enclosed and the interior is not visible to the public;

2031 (iii) the sale, offer for sale, or furnishing of an alcoholic product is made only to a
2032 person:

2033 (A) then in transit using the public service permittee's airline, railroad, bus line, or
2034 other public conveyance or, for a public service permittee described in Subsection (2), another
2035 public service permittee's airline; and

2036 (B) holding a valid boarding pass or similar travel document issued by ~~[the]~~ a public
2037 service permittee; and

2038 (iv) (A) liquor is purchased from:

2039 (I) a state store; or

2040 (II) a package agency; and

2041 (B) beer is purchased from a beer wholesaler licensee.

2042 (b) (i) A public service permittee operating a hospitality room shall display in a

2043 prominent place in the hospitality room, a sign in large letters that consists of text in the

2044 following order:

2045 (A) a header that reads: "WARNING";

2046 (B) a warning statement that reads: "Drinking alcoholic beverages during pregnancy

2047 can cause birth defects and permanent brain damage for the child.";

2048 (C) a statement in smaller font that reads: "Call the Utah Department of Health at

2049 [insert most current toll-free number] with questions or for more information.";

2050 (D) a header that reads: "WARNING"; and

2051 (E) a warning statement that reads: "Driving under the influence of alcohol or drugs is

2052 a serious crime that is prosecuted aggressively in Utah."

2053 (ii) (A) The text described in Subsections (3)(b)(i)(A) through (C) shall be in a

2054 different font style than the text described in Subsections (3)(b)(i)(D) and (E).

2055 (B) The warning statements in the sign described in Subsection (3)(b)(i) shall be in the

2056 same font size.

2057 (iii) The Department of Health shall work with the commission and department to

2058 facilitate consistency in the format of a sign required under this section.

2059 (c) A hospitality room shall be operated in accordance with this chapter and rules

2060 adopted by the commission.

2061 Section 44. Section **32B-15-201** is amended to read:

2062 **32B-15-201. Liability for injuries and damage resulting from distribution of**

2063 **alcoholic products -- Prima facie evidence.**

2064 (1) (a) Except as provided in Subsections **32B-15-202**(2) and (3), a person described in

2065 Subsection (1)(b) is liable for:

2066 (i) any and all injury and damage, except punitive damages to:

2067 (A) a third person; or

2068 (B) the heir, as defined in Section **78B-3-105**, of the third person; or

2069 (ii) the death of a third person.

2070 (b) A person is liable under Subsection (1)(a) if:

2071 (i) the person directly gives, sells, or otherwise provides an alcoholic product:

2072 (A) to a person described in Subsection (1)(b)(ii); and
2073 (B) as part of the commercial sale, storage, service, manufacture, distribution, or
2074 consumption of an alcoholic product;
2075 (ii) those actions cause the intoxication of:
2076 (A) an individual under 21 years old;
2077 (B) an individual who is apparently under the influence of an alcoholic product or
2078 drug;
2079 (C) an individual whom the person furnishing the alcoholic product knew or should
2080 have known from the circumstances was under the influence of an alcoholic product or drug; or
2081 (D) an individual who is a known interdicted person; and
2082 (iii) the injury or death described in Subsection (1)(a) results from the intoxication of
2083 the individual who is provided the alcoholic product.
2084 (c) It is prima facie evidence that a person is liable under Subsection (1)(a) for an
2085 injury or death that results from the intoxication of an individual described in Subsection
2086 (1)(b)(ii)(B) or (C) if:
2087 (i) the person directly gives, sells, or otherwise provides the individual the last
2088 alcoholic product the individual consumes before the injury or death described in Subsection
2089 (1)(b)(iii);
2090 (ii) the individual consumes the alcoholic product at the location where the person
2091 directly gives, sells, or otherwise provides the individual the alcoholic product;
2092 (iii) the injury or death occurs within 30 minutes after the time at which the individual
2093 leaves, and within a 10 mile radius of, the location where the person gives, sells, or otherwise
2094 provides the individual the alcoholic product; and
2095 (iv) (A) the individual is charged with [~~a criminal violation of Section 41-6a-502 for~~
2096 ~~driving under the influence of an alcoholic product in relation to the injury or death.~~] an offense
2097 described in Subsection 41-6a-501(2)(a); or
2098 (B) if the individual dies as a result of the event that caused the injury or death, a
2099 subsequent chemical test shows that the individual had a blood alcohol concentration of .05
2100 grams or greater at the time of the test.
2101 (2) (a) A person 21 years old or older who is described in Subsection (2)(b) is liable
2102 for:

2103 (i) any and all injury and damage, except punitive damages to:
2104 (A) a third person; or
2105 (B) the heir, as defined in Section 78B-3-105, of the third person; or
2106 (ii) the death of the third person.
2107 (b) A person is liable under Subsection (2)(a) if:
2108 (i) the person directly gives or otherwise provides an alcoholic product to an individual
2109 who the person knows or should have known is under 21 years old;
2110 (ii) those actions caused the intoxication of the individual provided the alcoholic
2111 product;
2112 (iii) the injury or death described in Subsection (2)(a) results from the intoxication of
2113 the individual who is provided the alcoholic product; and
2114 (iv) the person is not liable under Subsection (1), because the person did not directly
2115 give or provide the alcoholic product as part of the commercial sale, storage, service,
2116 manufacture, distribution, or consumption of an alcoholic product.
2117 (3) This section does not apply to a business licensed in accordance with Chapter 7,
2118 Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.
2119 Section 45. Section 41-6a-531 is enacted to read:
2120 **41-6a-531. Access to DUI investigative reports.**
2121 (1) As used in this section:
2122 (a) "Agent" means a person's attorney that has been formally engaged.
2123 (b) "DUI investigative report" means all materials that a peace officer gathers as part of
2124 investigating an offense described in Subsection 41-6a-501 including:
2125 (i) the identity of witnesses and, if known, contact information;
2126 (ii) witness statements;
2127 (iii) photographs and videotapes;
2128 (iv) diagrams;
2129 (v) field notes;
2130 (vi) test results; and
2131 (vii) any Targeted Responsibility for Alcohol Connected Emergencies investigation
2132 report.
2133 (2) (a) Upon request, a law enforcement agency shall disclose an unredacted DUI

2134 investigative report to:

2135 (i) a person who suffers loss or injury related to the person's actions that gave rise to
2136 the investigation; or

2137 (ii) an agent, parent, or legal guardian of the person described in Subsection (2)(a)(i).

2138 (b) A law enforcement agency responding to a request under Subsection (2)(a) may:

2139 (i) withhold a portion of the DUI investigative report if disclosure would materially
2140 prejudice an ongoing criminal investigation or criminal prosecution;

2141 (ii) redact or withhold any privileged information;

2142 (iii) redact an individual's phone number or address, if disclosure of the individual's
2143 phone number or address may endanger an individual's physical safety; or

2144 (iv) provide the DUI investigative report subject to an agreement that limits the
2145 recipient's use of the DUI investigative report to use solely for the purpose of pursuing a civil
2146 claim related to the incident.

2147 (3) A law enforcement agency may charge a reasonable fee to cover the cost incurred
2148 by disclosing a DUI investigative report in accordance with this section.

2149 Section 46. Section **53-28-101** is enacted to read:

CHAPTER 28. PLACE OF LAST DRINK PROGRAM

53-28-101. Definitions.

2152 (1) "Alcohol-related law enforcement officer" means the same as that term is defined in
2153 Section [32B-1-201](#).

2154 (2) "Alcohol-related traffic stop" means a traffic stop that results in an individual being
2155 arrested for an offense described in Subsection [41-6a-501\(2\)\(a\)](#) related to alcohol.

2156 (3) "Alcoholic beverage" means the same as that term is defined in Section [32B-1-102](#).

2157 (4) "Place of last drink" means the location where an individual obtains and consumes
2158 the last alcoholic beverage before the individual is the subject of an alcohol-related traffic stop.

2159 (5) "Retail licensee" means the same as that term is defined in Section [32B-1-102](#).

2160 Section 47. Section **53-28-102** is enacted to read:

53-28-102. Place of last drink reporting requirements.

2162 (1) The department shall establish a program in accordance with this chapter to:

2163 (a) identify when an individual's place of last drink is a retail licensee; and

2164 (b) efficiently share information with alcohol-related law enforcement officers about

2165 each retail licensee that is an individual's place of last drink for the purpose of allowing the
 2166 alcohol-related law enforcement officers to investigate a possible violation of Section
 2167 32B-5-306.

2168 (2) In developing the program described in this section, the department shall coordinate
 2169 with and take input from the Department of Alcoholic Beverage Services created in Section
 2170 32B-2-203.

2171 (3) Before November 1, 2025, the department shall provide a written report to the
 2172 Criminal Justice and Law Enforcement Interim Committee that describes how the department
 2173 implemented the program, the extent to which the program accomplishes the objectives
 2174 described in Subsection (1), and any planned or recommended changes.

2175 Section 48. Section **59-15-101** is amended to read:

2176 **59-15-101. Tax basis -- Rate.**

2177 (1) As used in this chapter, "beer" means:

2178 (a) beer as defined in Section 32B-1-102; or

2179 (b) heavy beer as defined in Section 32B-1-102.

2180 (2) (a) A tax is imposed at the rate specified in [Subsection (1)(b) on all beer, as
 2181 defined in Section 32B-1-102;] Subsection (2)(b) on beer that is imported or manufactured for
 2182 sale, use, or distribution in this state.

2183 ~~[(b) The tax described in Subsection (1)(a) shall be imposed at a rate of:]~~

2184 ~~[(i) \$11 per 31-gallon barrel for beer imported or manufactured:]~~

2185 ~~[(A) before July 1, 2003; and]~~

2186 ~~[(B) for sale, use, or distribution in this state; and]~~

2187 ~~[(ii) \$13.10 per 31-gallon barrel for beer imported or manufactured:]~~

2188 ~~[(A) on or after July 1, 2003; and]~~

2189 ~~[(B) for sale, use, or distribution in this state:]~~

2190 (b) The rate of the tax imposed under this Subsection (2) is:

2191 (i) \$13.10 per 31-gallon barrel for beer imported or manufactured before July 1, 2024;

2192 (ii) \$13.35 per 31-gallon barrel for beer imported or manufactured on or after July 1,

2193 2024, and before July 1, 2025;

2194 (iii) \$13.60 per 31-gallon barrel for beer imported or manufactured on or after July 1,

2195 2025, and before July 1, 2026;

2196 (iv) \$13.85 per 31-gallon barrel for beer imported or manufactured on or after July 1,
2197 2026, and before July 1, 2027; and

2198 (v) \$14.10 per 31-gallon barrel for beer imported or manufactured on or after July 1,
2199 2027.

2200 (c) The tax imposed under this Subsection ~~[(1)]~~ (2):

2201 (i) shall be imposed at a proportionate rate for:

2202 (A) any quantity of beer other than a 31-gallon barrel; or

2203 (B) the fractional parts of a 31-gallon barrel; and

2204 (ii) may not be imposed more than once on the same beer.

2205 ~~[(2)]~~ (3) A tax may not be imposed on beer:

2206 (a) sold to the United States and its agencies; or

2207 (b) (i) manufactured or imported for sale, use, or distribution outside the state; and

2208 (ii) exported from the state.

2209 Section 49. Section **59-15-109** is amended to read:

2210 **59-15-109. Commission to deposit beer tax revenue.**

2211 (1) ~~[Except as provided in Subsection (2), taxes collected under this chapter shall be~~
2212 ~~paid by the commission to the state treasurer daily for deposit]~~ Except as provided in
2213 Subsections (2) and (3), the commission shall deposit revenue collected under this chapter as
2214 follows:

2215 (a) the greater of the following shall be deposited into the Alcoholic Beverage
2216 Enforcement and Treatment Restricted Account created in Section [32B-2-403](#):

2217 (i) an amount calculated by:

2218 (A) determining an amount equal to 50% of the revenue collected for the fiscal year
2219 two years preceding the fiscal year for which the deposit is made; and

2220 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

2221 (ii) \$4,350,000; and

2222 (b) the revenue collected in excess of the amount deposited in accordance with
2223 Subsection (1)(a) shall be deposited into the General Fund.

2224 (2) The ~~[state treasurer]~~ commission shall annually deposit into the Alcoholic Beverage
2225 Enforcement and Treatment Restricted Account created in Section [32B-2-403](#) an amount equal
2226 to the amount of revenue generated in the current fiscal year by the portion of the tax imposed

2227 under Section [59-15-101](#) that ~~exceeds~~ is equal to:

2228 ~~[(a) \$12.80 per 31-gallon barrel for beer imported or manufactured:]~~

2229 ~~[(i) on or after July 1, 2003; and]~~

2230 ~~[(ii) for sale, use, or distribution in this state; and]~~

2231 (a) \$0.30 per 31-gallon barrel for beer imported or manufactured on or after July 1,

2232 2003; and

2233 (b) a proportionate rate to the rate described in Subsection (2)(a) for:

2234 (i) any quantity of beer other than a 31-gallon barrel; or

2235 (ii) the fractional parts of a 31-gallon barrel.

2236 (3) Beginning fiscal year 2024-25, the commission shall annually deposit into the

2237 Alcoholic Beverage Control Act Enforcement Fund created in Section [32B-2-305](#) an amount

2238 equal to the amount of revenue generated in the current fiscal year by the portion of the tax

2239 imposed under Section [59-15-101](#) that exceeds:

2240 (a) \$13.10 per 31-gallon barrel for beer imported or manufactured on or after July 1,

2241 2024; and

2242 (b) a proportionate rate to the rate described in Subsection (3)(a) for:

2243 (i) any quantity of beer other than a 31-gallon barrel; or

2244 (ii) the fractional parts of a 31-gallon barrel.

2245 ~~[(3)]~~ (4) (a) The commission shall notify the entities described in Subsection ~~[(3)(b)]~~

2246 (4)(b) not later than the September 1 preceding the fiscal year of the deposit of:

2247 (i) the amount of the proceeds of the beer excise tax collected in accordance with this

2248 section for the fiscal year two years preceding the fiscal year of deposit; and

2249 (ii) an amount equal to 50% of the amount listed in Subsection ~~[(3)(a)(i)]~~ (4)(b)(i).

2250 (b) The notification required by Subsection ~~[(3)(a)]~~ (4)(a) shall be sent to:

2251 (i) the Governor's Office of Planning and Budget; and

2252 (ii) the Legislative Fiscal Analyst.

2253 Section 50. Section **63I-2-232** is amended to read:

2254 **63I-2-232. Repeal dates: Title 32B.**

2255 (1) Subsection [32B-1-603.5](#)(7), regarding the Department of Alcoholic Beverage

2256 Services' review of beer that is sold or distributed in the state, is repealed December 31, 2024.

2257 (2) Subsection [32B-2-205](#)(4), which creates a workgroup to make recommendations

2258 regarding training and record keeping for certain cash transactions, is repealed January 1, 2025.

2259 Section 51. **Repealer.**

2260 This bill repeals:

2261 Section **32B-2-210, Alcoholic Beverage Services Advisory Board.**

2262 Section 52. **Effective date.**

2263 This bill takes effect on May 1, 2024.