1   **ALCOHOLIC BEVERAGE CONTROL ACT - SALES TO**

2   **MINORS**

3   2011 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Val L. Peterson**

6   Senate Sponsor: _____

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8 **LONG TITLE**

9 **General Description:**

10   This bill modifies the Alcoholic Beverage Control Act to prohibit the sale to minors of

11 certain products that make an alcoholic product.

12 **Highlighted Provisions:**

13   This bill:

14   ‣   prohibits the sale, offer for sale, and furnishing to a minor of a product that is used

15 to make an alcoholic product or cause a liquid to become an alcoholic product; and

16   ‣   makes technical changes.

17 **Money Appropriated in this Bill:**

18   None

19 **Other Special Clauses:**

20   This bill takes affect on July 1, 2011.

21 **Utah Code Sections Affected:**

22 AMENDS:

23   **32B-4-403 (Effective 07/01/11)**, as enacted by Laws of Utah 2010, Chapter 276

24 ═══

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

26   Section 1. Section **32B-4-403 (Effective 07/01/11)** is amended to read:

27   **32B-4-403 (Effective 07/01/11).   Unlawful sale, offer for sale, or furnishing to**

28   **minor.**

29   (1) (a) A person may not sell, offer for sale, or furnish an alcoholic product to a minor.

30   (b) A person may not sell, offer for sale, or furnish a product to a minor that Ĥ➜ [**:**

31   ──── (i) contains, within packaging, such as a carton, case, or other wrapper, the] **specifically**

31a   **packages together for the purpose of producing an alcoholic product** ←Ĥ ingredients

32   necessary to:

33   Ĥ➜ [(A)] **(i)** ←Ĥ make an alcoholic product; or

34   Ĥ➜ [(B)] **(ii)** ←Ĥ cause a liquid that is not an alcoholic product to become

34a   an alcoholic product Ĥ➜ [; and

35   ──── (ii) the person who sells, offers for sale, or furnishes the product knows can be used to:

36   ──── (A) make an alcoholic product;

37   ──── (B) cause a liquid that is not an alcoholic product to become an alcoholic product] ←Ĥ .

38   (2) (a) (i) Except as provided in Subsection (3), a person is guilty of a class B

39   misdemeanor if the person who violates Subsection (1) negligently or recklessly fails to

40   determine whether the recipient of the alcoholic product is a minor.

41   (ii) As used in this Subsection (2)(a), "negligently" means with simple negligence.

42   (b) Except as provided in Subsection (3), a person is guilty of a class A misdemeanor if

43   the person who violates Subsection (1) knows the recipient of the alcoholic product is a minor.

44   (3) This section does not apply to the furnishing of an alcoholic product to a minor in

45   accordance with this title:

46   (a) for medicinal purposes by:

47   (i) the parent or guardian of the minor; or

48   (ii) the health care practitioner of the minor, if the health care practitioner is authorized

49   by law to write a prescription; or

50   (b) as part of a religious organization's religious services.

51   Section 2. **Effective date.**

52   This bill takes affect on July 1, 2011.

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Legislative Review Note
     as of 1-27-11 1:16 PM

FISCAL NOTE

H.B. 85

SHORT TITLE: **Alcoholic Beverage Control Act - Sales to Minors**

SPONSOR: **Peterson, V.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.