

1 **DRUG AND ALCOHOL ENFORCEMENT AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jefferson S. Burton**

5 Senate Sponsor: Jerry W. Stevenson

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses enforcement of drug- and alcohol-related provisions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires the Department of Public Safety to use the Alcoholic Beverage Control Act
- 14 Enforcement Fund to maintain a certain number of drug enforcement officers, State
- 15 Bureau of Investigation officers, and social workers;
- 16 ▶ increases the deposits made into the Alcoholic Beverage Control Act Enforcement
- 17 Fund and the Alcoholic Beverage Enforcement and Treatment Restricted Account;
- 18 and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 This bill appropriates in fiscal year 2024:

- 22 ▶ Department of Public Safety - Alcoholic Beverage Control Act Enforcement Fund,
- 23 as an ongoing appropriation:
- 24 • from the General Fund, (\$1,320,000).

25 **Other Special Clauses:**

26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **32B-2-305**, as last amended by Laws of Utah 2022, Chapter 453

30 **59-15-109**, as last amended by Laws of Utah 2021, Chapter 382

31

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

33 Section 1. Section **32B-2-305** is amended to read:

34 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

35 (1) As used in this section:

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

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

41 (c) "Enforcement ratio" [~~is as~~] means the same as that term is defined in Section
42 32B-1-201.

43 [~~(c)~~] (d) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created
44 in this section.

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

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

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

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

54 (i) deposits made under Subsection (4); and

55 (ii) interest earned on the fund.

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

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

58 (4) After the deposit made under Section 32B-2-304 for the school lunch program, the
59 department shall deposit [~~0.875%~~] 1.695% of the total gross revenue from the sale of liquor
60 with the state treasurer to be credited to the fund to be:

- 61 (a) used by the Department of Public Safety as provided in Subsection (5); and
- 62 (b) reallocated to the General Fund as described in Subsection (6).

63 (5) (a) The Department of Public Safety shall expend money from the fund to:

64 (i) supplement appropriations by the Legislature so that the Department of Public
65 Safety maintains a sufficient number of alcohol-related law enforcement officers such that
66 [beginning on July 1, 2012,] each year the enforcement ratio as of July 1 is equal to or less than
67 the number specified in Section 32B-1-201[-]; and

68 (ii) maintain at least:

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

70 (B) eight SBI drug-related law enforcement officers; and

71 (C) two social workers.

72 (b) [~~Beginning July 1, 2012, four~~] Four of the alcohol-related law enforcement officers
73 described in Subsection (5)(a)(i) shall have as a primary focus the enforcement of this title in
74 relationship to restaurants.

75 (6) For fiscal year 2023, the Division of Finance shall deposit into the General Fund \$3
76 million of unspent money in the fund.

77 Section 2. Section 59-15-109 is amended to read:

78 **59-15-109. Tax money to be paid to state treasurer.**

79 (1) Except as provided in Subsection (2), taxes collected under this chapter shall be
80 paid by the commission to the state treasurer daily for deposit as follows:

81 (a) the greater of the following shall be deposited into the Alcoholic Beverage
82 Enforcement and Treatment Restricted Account created in Section 32B-2-403:

83 (i) an amount calculated by:

84 (A) determining an amount equal to [~~40%~~] 50% of the revenue collected for the fiscal
85 year two years preceding the fiscal year for which the deposit is made; and

86 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or
87 (ii) \$4,350,000; and

88 (b) the revenue collected in excess of the amount deposited in accordance with
89 Subsection (1)(a) shall be deposited into the General Fund.

90 (2) ~~[For a fiscal year beginning on or after July 1, 2020, the]~~ The state treasurer shall
91 annually deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account
92 created in Section 32B-2-403 an amount equal to the amount of revenue generated in the
93 current fiscal year by the portion of the tax imposed under Section 59-15-101 that exceeds:

94 (a) \$12.80 per 31-gallon barrel for beer imported or manufactured:

95 (i) on or after July 1, 2003; and
96 (ii) for sale, use, or distribution in this state; and

97 (b) a proportionate rate to the rate described in Subsection (2)(a) for:

98 (i) any quantity of beer other than a 31-gallon barrel; or
99 (ii) the fractional parts of a 31-gallon barrel.

100 (3) (a) The commission shall notify the entities described in Subsection (3)(b) not later
101 than the September 1 preceding the fiscal year of the deposit of:

102 (i) the amount of the proceeds of the beer excise tax collected in accordance with this
103 section for the fiscal year two years preceding the fiscal year of deposit; and

104 (ii) an amount equal to ~~[40%]~~ 50% of the amount listed in Subsection (3)(a)(i).

105 (b) The notification required by Subsection (3)(a) shall be sent to:

106 (i) the Governor's Office of Planning and Budget; and
107 (ii) the Legislative Fiscal Analyst.

108 **Section 3. Appropriation.**

109 The following sums of money are appropriated for the fiscal year beginning July 1,
110 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
111 fiscal year 2024. The Legislature has reviewed the following expendable funds. The Legislature
112 authorizes the State Division of Finance to transfer amounts between funds and accounts as
113 indicated. Outlays and expenditures from the funds or accounts to which the money is

114 transferred may be made without further legislative action, in accordance with statutory
115 provisions relating to the funds or accounts.

116 ITEM 1

117 To Department of Public Safety - Alcoholic Beverage Control Act Enforcement Fund

118 From General Fund (1,320,000)

119 Schedule of Programs:

120 Alcoholic Beverage Control Act Enforcement Fund (1,320,000)

121 Section 4. **Effective date.**

122 This bill takes effect on July 1, 2023.