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HEALTH AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the sale of tobacco and beer to underage persons.

Highlighted Provisions:

This bill:

- ▶ requires a person licensed to sell tobacco to use an electronic age verification system for point of sale by July 1, 2017;
- ▶ requires an off premise beer retailer to use an electronic age verification system for point of sale by July 1, 2017; and
- ▶ provides rulemaking authority.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-7-202, as last amended by Laws of Utah 2011, Chapter 307

ENACTS:

26-42-108, Utah Code Annotated 1953

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



28 Section 1. Section **26-42-108** is enacted to read:

29 **26-42-108. Electronic verification system.**

30 (1) For purposes of this section, "electronic verification system" means a system that:

31 (a) confirms a person's date of birth through electronic verification of the person's

32 identification card; and

33 (b) meets the criteria established in Subsection (3).

34 (2) A licensee shall, on or before July 1, 2017, use an electronic verification system:

35 (a) that meets the criteria established by the department by rule made in accordance

36 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

37 (b) to verify proof of age of an individual who purchases tobacco; and

38 (c) each time an individual purchases tobacco.

39 (3) The department shall, in coordination with the Alcoholic Beverage Control

40 Commission, establish criteria for an electronic verification system used by a licensee.

41 Section 2. Section **32B-7-202** is amended to read:

42 **32B-7-202. General operational requirements for off-premise beer retailer.**

43 (1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
44 with this section.

45 (b) Failure to comply with this section may result in a suspension or revocation of a
46 local license.

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

50 (A) a beer wholesaler licensee; or

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

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

53 (b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
54 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer
55 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
56 in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by
57 the department to sell to the off-premise beer retailer as provided in Section **32B-13-301**.

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

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

61 (4) A minor may not sell beer on the licensed premises of an off-premise beer retailer
62 unless:

63 (a) the sale is done under the supervision of a person 21 years of age or older who is on
64 the licensed premises; and

65 (b) the minor is at least 16 years of age.

66 (5) (a) Subject to the other provisions of this Subsection (5), an off-premise beer
67 retailer shall:

68 (i) display beer sold by the off-premise beer retailer in an area that is visibly separate
69 and distinct from the area where nonalcoholic beverages are displayed; and

70 (ii) display a sign in the area described in Subsection (5)(a)(i) that:

71 (A) is prominent;

72 (B) is easily readable by a consumer;

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

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

76 (b) Notwithstanding Subsection (5)(a), a nonalcoholic beer may be displayed with beer
77 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.

78 (c) The requirements of this Subsection (5) apply to beer notwithstanding that it is
79 labeled, packaged, or advertised as:

80 (i) a malt cooler; or

81 (ii) a beverage that may provide energy.

82 (d) The commission shall define by rule what constitutes an "area that is visibly
83 separate and distinct from the area where a nonalcoholic beverage is displayed."

84 (e) A violation of this Subsection (5) is an infraction.

85 (6) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
86 who sells beer to a patron for consumption off the premises of the off-premise beer retailer
87 shall wear a unique identification badge:

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

89 (ii) visible above the waist;

90 (iii) bearing the staff's:
91 (A) first or last name;
92 (B) initials; or
93 (C) unique identification in letters or numbers; and
94 (iv) with the number or letters on the unique identification badge being sufficiently
95 large to be clearly visible and identifiable while engaging in or directly supervising the retail
96 sale of beer.

97 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
98 unique identification badge assigned by the off-premise beer retailer that includes the staff's:

- 99 (i) full name;
- 100 (ii) address; and
- 101 (iii) (A) driver license number; or
- 102 (B) similar identification number.

103 (c) An off-premise beer retailer shall make available a record required to be made or
104 maintained under this Subsection (6) for immediate inspection by:

- 105 (i) a peace officer; or
- 106 (ii) a representative of the local authority that issues the off-premise beer retailer
107 license.

108 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
109 retailer that does not comply or require its staff to comply with this Subsection (6).

110 (7) (a) For purposes of this Subsection (7), "electronic verification system" means a
111 system that confirms a person's date of birth through electronic verification of the person's
112 identification card.

113 (b) An off-premise beer retailer shall, on or before July 1, 2017, use an electronic
114 verification system:

115 (i) that meets criteria established by the commission by administrative rule adopted in
116 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

117 (ii) to verify the proof of age of an individual who purchases beer; and

118 (iii) each time an individual purchases beer.

119 (c) The commission shall, in coordination with the Department of Health, establish
120 criteria for an age verification system.

Legislative Review Note
Office of Legislative Research and General Counsel