

Senator Jerry W. Stevenson proposes the following substitute bill:

ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Steve Waldrip

LONG TITLE

General Description:

This bill amends provisions of the Alcoholic Beverage Control Act and provisions related to the Act.

Highlighted Provisions:

This bill:

- ▶ defines and amends terms;
- ▶ amends proximity requirements for certain arena licensees;
- ▶ amends provisions of the Malted Beverage Act regarding:
 - labeling and packaging; and
 - the power of the commission and department to classify flavored malt beverages;
- ▶ amends the time period in which a retail manager is required to complete a certain training program;
- ▶ changes the name of the "Department of Alcoholic Beverage Control" to the "Department of Alcoholic Beverage Services";
- ▶ changes the name of the "Alcoholic Beverage Control Commission" to the "Alcoholic Beverage Services Commission";
- ▶ changes the name of the "Alcoholic Beverage Control Advisory Board" to the



- 26 "Alcoholic Beverage Services Advisory Board";
- 27 ▶ amends provisions related to the late renewal of a license;
- 28 ▶ amends provisions regarding the liquor control fund;
- 29 ▶ amends provisions regarding the calculation of manufacturer production for school
- 30 lunch program markup purposes;
- 31 ▶ requires a package agency to submit any information the commission or department
- 32 may require for the renewal of a package agency agreement;
- 33 ▶ permits a package agency located at a manufacturing facility to, under certain
- 34 conditions, remain open on a Sunday or on a state or federal holiday;
- 35 ▶ amends a provision related to the furnishing of alcohol to a minor;
- 36 ▶ amends the application requirements for a retail license;
- 37 ▶ amends the requirements for a conditional retail license;
- 38 ▶ prohibits the commission from including certain sublicenses in the total number of
- 39 licenses the commission has issued for each type of retail license;
- 40 ▶ permits various retail licensees to sell beer for off-premise consumption under
- 41 certain conditions;
- 42 ▶ makes references to the department's auditing of a retail licensee's records
- 43 consistent;
- 44 ▶ amends provisions regarding a retail licensee's ceasing of operations ~~H~~→ **[and makes the**
- 45 **amendment retroactive to March 12, 2020]** ←~~H~~ ;
- 46 ▶ permits a management agreement under certain conditions;
- 47 ▶ prohibits an off-premise beer retailer from:
- 48 • engaging in or permitting on the licensed premises gambling or fringe gambling;
- 49 • having certain devices or games on the licensed premises; or
- 50 • knowingly allowing certain drug-related activities on the licensed premises;
- 51 ▶ amends provisions regarding the tracking of enforcement actions to remove
- 52 references to and requirements related to a repealed section of statute;
- 53 ▶ amends the total number of resort licenses permitted at a time in the state to eight;
- 54 ▶ permits a hotel licensee or person applying for a hotel license to obtain a spa
- 55 sublicense;
- 56 ▶ amends the number of 72-hour single event permits the director may issue in a

57 calendar year to the same person to 24;

58 ▶ amends and renumbers the Transfer of Alcohol License Act; and

59 ▶ makes technical and conforming changes.

60 **Money Appropriated in this Bill:**

61 None

62 **Other Special Clauses:**

63 This bill provides a special effective date.

64 **Utah Code Sections Affected:**

65 AMENDS:

66 **32B-1-102**, as last amended by Laws of Utah 2021, Chapter 291

67 **32B-1-202.1**, as enacted by Laws of Utah 2021, Chapter 291

68 **32B-1-603**, as enacted by Laws of Utah 2010, Chapter 276

69 **32B-1-604**, as last amended by Laws of Utah 2017, Chapter 455

70 **32B-1-605**, as last amended by Laws of Utah 2018, Chapter 281

71 **32B-1-606**, as last amended by Laws of Utah 2018, Chapter 249

72 **32B-1-701**, as last amended by Laws of Utah 2019, Chapter 12 and renumbered and

73 amended by Laws of Utah 2019, Chapter 403

74 **32B-1-704**, as renumbered and amended by Laws of Utah 2019, Chapter 403

75 **32B-2-101**, as enacted by Laws of Utah 2010, Chapter 276

76 **32B-2-201**, as last amended by Laws of Utah 2020, Chapters 352 and 373

77 **32B-2-202**, as last amended by Laws of Utah 2020, Chapter 219

78 **32B-2-203**, as enacted by Laws of Utah 2010, Chapter 276

79 **32B-2-205**, as last amended by Laws of Utah 2020, Chapter 352

80 **32B-2-210**, as last amended by Laws of Utah 2018, Chapter 249

81 **32B-2-301**, as last amended by Laws of Utah 2021, Chapter 424

82 **32B-2-304**, as last amended by Laws of Utah 2021, Chapter 291

83 **32B-2-602**, as last amended by Laws of Utah 2011, Chapters 307 and 334

84 **32B-2-605**, as last amended by Laws of Utah 2021, Chapter 291

85 **32B-3-202**, as last amended by Laws of Utah 2020, Chapter 219

86 **32B-3-205**, as last amended by Laws of Utah 2018, Chapters 249 and 329

87 **32B-4-403**, as last amended by Laws of Utah 2021, Chapter 291

- 88 [32B-4-415](#), as last amended by Laws of Utah 2020, Chapter 219
- 89 [32B-5-102](#), as last amended by Laws of Utah 2019, Chapter 403
- 90 [32B-5-201](#), as last amended by Laws of Utah 2020, Chapter 219
- 91 [32B-5-202](#), as last amended by Laws of Utah 2021, Chapter 291
- 92 [32B-5-205](#), as last amended by Laws of Utah 2021, Chapter 291
- 93 [32B-5-304](#), as last amended by Laws of Utah 2019, Chapter 403
- 94 [32B-5-307](#), as last amended by Laws of Utah 2021, Chapter 291
- 95 [32B-5-309](#), as last amended by Laws of Utah 2020, Chapter 219
- 96 [32B-6-205](#), as last amended by Laws of Utah 2020, Chapter 219
- 97 [32B-6-205.2](#), as last amended by Laws of Utah 2020, Chapter 219
- 98 [32B-6-205.3](#), as enacted by Laws of Utah 2017, Chapter 455
- 99 [32B-6-305](#), as last amended by Laws of Utah 2019, Chapter 403
- 100 [32B-6-305.2](#), as last amended by Laws of Utah 2019, Chapter 403
- 101 [32B-6-305.3](#), as enacted by Laws of Utah 2017, Chapter 455
- 102 [32B-6-404.1](#), as last amended by Laws of Utah 2018, Chapter 249
- 103 [32B-6-605](#), as last amended by Laws of Utah 2021, Chapter 291
- 104 [32B-6-706](#), as last amended by Laws of Utah 2017, Chapter 455
- 105 [32B-6-905](#), as last amended by Laws of Utah 2019, Chapter 403
- 106 [32B-6-905.1](#), as last amended by Laws of Utah 2019, Chapter 403
- 107 [32B-6-905.2](#), as last amended by Laws of Utah 2018, Chapter 281
- 108 [32B-6-1005](#), as enacted by Laws of Utah 2020, Chapter 219
- 109 [32B-7-202](#), as last amended by Laws of Utah 2019, Chapter 403
- 110 [32B-7-305](#), as last amended by Laws of Utah 2017, Chapters 163 and 455
- 111 [32B-8-201](#), as last amended by Laws of Utah 2020, Chapter 219
- 112 [32B-8b-301](#), as last amended by Laws of Utah 2020, Chapter 219
- 113 [32B-8c-202](#), as enacted by Laws of Utah 2020, Chapter 219
- 114 [32B-8d-102](#), as enacted by Laws of Utah 2020, Chapter 219
- 115 [32B-8d-103](#), as enacted by Laws of Utah 2020, Chapter 219
- 116 [32B-8d-104](#), as last amended by Laws of Utah 2021, Chapter 291
- 117 [32B-8d-201](#), as enacted by Laws of Utah 2020, Chapter 219
- 118 [32B-8d-202](#), as renumbered and amended by Laws of Utah 2020, Chapter 219

- 119 [32B-8d-203](#), as renumbered and amended by Laws of Utah 2020, Chapter 219
120 [32B-8d-204](#), as renumbered and amended by Laws of Utah 2020, Chapter 219
121 [32B-8d-205](#), as renumbered and amended by Laws of Utah 2020, Chapter 219
122 [32B-9-303](#), as last amended by Laws of Utah 2012, Chapter 365
123 [32B-10-206](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 6
124 [32B-11-208](#), as last amended by Laws of Utah 2020, Chapter 219
125 [32B-11-303](#), as last amended by Laws of Utah 2016, Chapter 266
126 [32B-11-403](#), as last amended by Laws of Utah 2020, Chapter 219
127 [32B-11-503](#), as last amended by Laws of Utah 2019, Chapter 403
128 [32B-11-504](#), as enacted by Laws of Utah 2021, Chapter 291
129 [34-52-201](#), as last amended by Laws of Utah 2019, Chapters 371 and 479
130 [53-2a-802](#), as last amended by Laws of Utah 2021, Chapters 184 and 344
131 [53-8-105](#), as last amended by Laws of Utah 2016, Chapter 245
132 [53-10-102](#), as last amended by Laws of Utah 2019, Chapter 33
133 [53-10-305](#), as last amended by Laws of Utah 2017, Chapter 455
134 [53F-9-304](#), as last amended by Laws of Utah 2020, Chapter 161
135 [53G-10-406](#), as last amended by Laws of Utah 2020, Chapters 161 and 408
136 [59-1-403](#), as last amended by Laws of Utah 2021, Chapters 282, 367, 369, and 382
137 [59-15-108](#), as renumbered and amended by Laws of Utah 1987, Chapter 2
138 [62A-1-121](#), as last amended by Laws of Utah 2021, Chapter 344
139 [62A-15-401](#), as last amended by Laws of Utah 2019, Chapter 403
140 [63A-17-502](#), as last amended by Laws of Utah 2021, Chapter 184 and renumbered and
141 amended by Laws of Utah 2021, Chapter 344
142 [63A-17-807](#), as last amended by Laws of Utah 2021, Chapter 184 and renumbered and
143 amended by Laws of Utah 2021, Chapter 344
144 [63B-3-301](#), as last amended by Laws of Utah 2021, Chapters 280 and 382
145 [63B-5-201](#), as last amended by Laws of Utah 2021, Chapter 280
146 [63B-10-301](#), as last amended by Laws of Utah 2008, Chapter 382
147 [63B-11-701](#), as last amended by Laws of Utah 2008, Chapter 382
148 [63B-13-201](#), as enacted by Laws of Utah 2004, Chapter 364
149 [63B-14-201](#), as enacted by Laws of Utah 2005, Chapter 180

- 150 [63B-15-201](#), as enacted by Laws of Utah 2006, Chapter 169
- 151 [63B-16-201](#), as last amended by Laws of Utah 2020, Chapter 152
- 152 [63B-17-201](#), as last amended by Laws of Utah 2020, Chapter 152
- 153 [63B-18-201](#), as enacted by Laws of Utah 2009, Chapter 134
- 154 [63B-24-101](#), as enacted by Laws of Utah 2015, Chapter 281
- 155 [63B-26-101](#), as enacted by Laws of Utah 2016, Chapter 250
- 156 [63B-27-201](#), as enacted by Laws of Utah 2017, Chapter 355
- 157 [63B-28-101](#), as last amended by Laws of Utah 2020, Chapter 301
- 158 [63B-29-101](#), as enacted by Laws of Utah 2019, Chapter 410
- 159 [63B-31-202](#), as enacted by Laws of Utah 2021, Chapter 320
- 160 [63G-12-306](#), as last amended by Laws of Utah 2014, Chapter 189
- 161 [63I-5-201 \(Superseded 07/01/22\)](#), as last amended by Laws of Utah 2021, Chapter 184
- 162 [63I-5-201 \(Effective 07/01/22\)](#), as last amended by Laws of Utah 2021, Second Special
- 163 Session, Chapter 1
- 164 [63J-1-219](#), as last amended by Laws of Utah 2021, Chapters 184 and 344
- 165 [63J-1-602.2](#), as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
- 166 424
- 167 [67-22-2](#), as last amended by Laws of Utah 2021, Chapters 64, 184, 344, and 382

168 ENACTS:

- 169 [32B-18-203](#), Utah Code Annotated 1953
- 170 [32B-18-205](#), Utah Code Annotated 1953
- 171 [32B-18-301](#), Utah Code Annotated 1953
- 172 [32B-18-302](#), Utah Code Annotated 1953
- 173 [32B-18-303](#), Utah Code Annotated 1953

174 RENUMBERS AND AMENDS:

- 175 [32B-18-101](#), (Renumbered from 32B-8a-102, as last amended by Laws of Utah 2021,
- 176 Chapter 291)
- 177 [32B-18-201](#), (Renumbered from 32B-8a-201, as last amended by Laws of Utah 2021,
- 178 Chapter 291)
- 179 [32B-18-202](#), (Renumbered from 32B-8a-202, as last amended by Laws of Utah 2021,
- 180 Chapter 291)

181 **32B-18-204**, (Renumbered from 32B-5-310, as last amended by Laws of Utah 2021,
182 Chapter 291)

183 **32B-18-206**, (Renumbered from 32B-8a-203, as last amended by Laws of Utah 2021,
184 Chapter 291)

185 **32B-18-207**, (Renumbered from 32B-8a-303, as last amended by Laws of Utah 2021,
186 Chapter 291)

187 **32B-18-401**, (Renumbered from 32B-8a-501, as last amended by Laws of Utah 2021,
188 Chapter 291)

189 **32B-18-402**, (Renumbered from 32B-8a-502, as last amended by Laws of Utah 2020,
190 Chapter 219)

191 REPEALS:

192 **32B-8a-101**, as last amended by Laws of Utah 2020, Chapter 219

193 **32B-8a-302**, as last amended by Laws of Utah 2021, Chapters 84, 291, and 345

194 **32B-12-207**, as enacted by Laws of Utah 2021, Chapter 291

195

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

197 Section 1. Section **32B-1-102** is amended to read:

198 **32B-1-102. Definitions.**

199 As used in this title:

200 (1) "Airport lounge" means a business location:

201 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

202 (b) that is located at an international airport.

203 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,

204 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

205 (3) "Alcoholic beverage" means the following:

206 (a) beer; or

207 (b) liquor.

208 (4) (a) "Alcoholic product" means a product that:

209 (i) contains at least .5% of alcohol by volume; and

210 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other

211 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol

212 in an amount equal to or greater than .5% of alcohol by volume.

213 (b) "Alcoholic product" includes an alcoholic beverage.

214 (c) "Alcoholic product" does not include any of the following common items that
215 otherwise come within the definition of an alcoholic product:

216 (i) except as provided in Subsection (4)(d), an extract;

217 (ii) vinegar;

218 (iii) preserved nonintoxicating cider;

219 (iv) essence;

220 (v) tincture;

221 (vi) food preparation; or

222 (vii) an over-the-counter medicine.

223 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
224 when it is used as a flavoring in the manufacturing of an alcoholic product.

225 (5) "Alcohol training and education seminar" means a seminar that is:

226 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and

227 (b) described in Section [62A-15-401](#).

228 (6) "Arena" means an enclosed building:

229 (a) that is managed by:

230 (i) the same person who owns the enclosed building;

231 (ii) a person who has a majority interest in each person who owns or manages a space
232 in the enclosed building; or

233 (iii) a person who has authority to direct or exercise control over the management or
234 policy of each person who owns or manages a space in the enclosed building;

235 (b) that operates as a venue; and

236 (c) that has an occupancy capacity of at least 12,500.

237 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail
238 License Act, and Chapter 8c, Arena License Act.

239 (8) "Banquet" means an event:

240 (a) that is a private event or a privately sponsored event;

241 (b) that is held at one or more designated locations approved by the commission in or
242 on the premises of:

- 243 (i) a hotel;
- 244 (ii) a resort facility;
- 245 (iii) a sports center;
- 246 (iv) a convention center;
- 247 (v) a performing arts facility; or
- 248 (vi) an arena;
- 249 (c) for which there is a contract:
- 250 (i) between a person operating a facility listed in Subsection (8)(b) and another person
- 251 that has common ownership of less than 20% with the person operating the facility; and
- 252 (ii) under which the person operating a facility listed in Subsection (8)(b) is required to
- 253 provide an alcoholic product at the event; and
- 254 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 255 (9) "Bar structure" means a surface or structure on a licensed premises if on or at any
- 256 place of the surface or structure an alcoholic product is:
- 257 (a) stored; or
- 258 (b) dispensed.
- 259 (10) (a) "Bar establishment license" means a license issued in accordance with Chapter
- 260 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 261 (b) "Bar establishment license" includes:
- 262 (i) a dining club license;
- 263 (ii) an equity license;
- 264 (iii) a fraternal license; or
- 265 (iv) a bar license.
- 266 (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License
- 267 Act, and Chapter 6, Part 4, Bar Establishment License.
- 268 (12) (a) [~~Subject to Subsection (12)(d), "beer"~~] "Beer" means a product that:
- 269 (i) contains:
- 270 (A) at least .5% of alcohol by volume [~~but not~~]; and
- 271 (B) no more than 5% of alcohol by volume or 4% by weight; [~~and~~]
- 272 (ii) is obtained by fermentation, infusion, or decoction of [~~malted grain~~];
- 273 (A) malt; or

274 (B) a malt substitute; and
275 (iii) is clearly marketed, labeled, and identified as:
276 (A) beer;
277 (B) ale;
278 (C) porter;
279 (D) stout;
280 (E) lager;
281 (F) a malt;
282 (G) a malted beverage; or
283 (H) seltzer.
284 (b) "Beer" may ~~[or may not contain hops or other vegetable products.]~~ contain:
285 (i) hops extract; or
286 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient.
287 ~~[(c) "Beer" includes a product that:]~~
288 ~~[(i) contains alcohol in the percentages described in Subsection (12)(a); and]~~
289 ~~[(ii) is referred to as:]~~
290 ~~[(A) beer;]~~
291 ~~[(B) ale;]~~
292 ~~[(C) porter;]~~
293 ~~[(D) stout;]~~
294 ~~[(E) lager; or]~~
295 ~~[(F) a malt or malted beverage.]~~
296 ~~[(d)]~~ (c) "Beer" does not include:
297 (i) a flavored malt beverage[-];
298 (ii) a product that contains alcohol derived from:
299 (A) spirituous liquor; or
300 (B) wine; or
301 (iii) a product that contains an additive masking or altering a physiological effect of
302 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
303 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter
304 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

- 305 (14) "Beer retailer" means a business that:
- 306 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
- 307 for consumption on or off the business premises; and
- 308 (b) is licensed as:
- 309 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
- 310 Retailer Local Authority; or
- 311 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
- 312 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 313 (15) "Beer wholesaling license" means a license:
- 314 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 315 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
- 316 retail licensees or off-premise beer retailers.
- 317 (16) "Billboard" means a public display used to advertise, including:
- 318 (a) a light device;
- 319 (b) a painting;
- 320 (c) a drawing;
- 321 (d) a poster;
- 322 (e) a sign;
- 323 (f) a signboard; or
- 324 (g) a scoreboard.
- 325 (17) "Brewer" means a person engaged in manufacturing:
- 326 (a) beer;
- 327 (b) heavy beer; or
- 328 (c) a flavored malt beverage.
- 329 (18) "Brewery manufacturing license" means a license issued in accordance with
- 330 Chapter 11, Part 5, Brewery Manufacturing License.
- 331 (19) "Certificate of approval" means a certificate of approval obtained from the
- 332 department under Section [32B-11-201](#).
- 333 (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
- 334 a bus company to a group of persons pursuant to a common purpose:
- 335 (a) under a single contract;

336 (b) at a fixed charge in accordance with the bus company's tariff; and
337 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
338 motor vehicle, and a driver to travel together to one or more specified destinations.

339 (21) "Church" means a building:

- 340 (a) set apart for worship;
- 341 (b) in which religious services are held;
- 342 (c) with which clergy is associated; and
- 343 (d) that is tax exempt under the laws of this state.

344 (22) "Commission" means the Alcoholic Beverage [~~Control~~] Services Commission
345 created in Section [32B-2-201](#).

346 (23) "Commissioner" means a member of the commission.

347 (24) "Community location" means:

- 348 (a) a public or private school;
- 349 (b) a church;
- 350 (c) a public library;
- 351 (d) a public playground; or
- 352 (e) a public park.

353 (25) "Community location governing authority" means:

- 354 (a) the governing body of the community location; or
- 355 (b) if the commission does not know who is the governing body of a community
356 location, a person who appears to the commission to have been given on behalf of the
357 community location the authority to prohibit an activity at the community location.

358 (26) "Container" means a receptacle that contains an alcoholic product, including:

- 359 (a) a bottle;
- 360 (b) a vessel; or
- 361 (c) a similar item.

362 (27) "Controlled group of [~~breweries~~] manufacturers" means as the commission
363 defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
364 Rulemaking Act.

365 (28) "Convention center" means a facility that is:

- 366 (a) in total at least 30,000 square feet; and

- 367 (b) otherwise defined as a "convention center" by the commission by rule.
- 368 (29) (a) "Counter" means a surface or structure in a dining area of a licensed premises
369 where seating is provided to a patron for service of food.
- 370 (b) "Counter" does not include a dispensing structure.
- 371 (30) "Crime involving moral turpitude" is as defined by the commission by rule.
- 372 (31) "Department" means the Department of Alcoholic Beverage [~~Control~~] Services
373 created in Section [32B-2-203](#).
- 374 (32) "Department compliance officer" means an individual who is:
- 375 (a) an auditor or inspector; and
376 (b) employed by the department.
- 377 (33) "Department sample" means liquor that is placed in the possession of the
378 department for testing, analysis, and sampling.
- 379 (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail
380 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
381 commission as a dining club license.
- 382 (35) "Director," unless the context requires otherwise, means the director of the
383 department.
- 384 (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
385 title:
- 386 (a) against a person subject to administrative action; and
387 (b) that is brought on the basis of a violation of this title.
- 388 (37) (a) Subject to Subsection (37)(b), "dispense" means:
- 389 (i) drawing an alcoholic product; and
390 (ii) using the alcoholic product at the location from which it was drawn to mix or
391 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 392 (b) The definition of "dispense" in this Subsection (37) applies only to:
- 393 (i) a full-service restaurant license;
394 (ii) a limited-service restaurant license;
395 (iii) a reception center license;
396 (iv) a beer-only restaurant license;
397 (v) a bar license;

- 398 (vi) an on-premise beer retailer;
- 399 (vii) an airport lounge license;
- 400 (viii) an on-premise banquet license; and
- 401 (ix) a hospitality amenity license.
- 402 (38) "Dispensing structure" means a surface or structure on a licensed premises:
- 403 (a) where an alcoholic product is dispensed; or
- 404 (b) from which an alcoholic product is served.
- 405 (39) "Distillery manufacturing license" means a license issued in accordance with
- 406 Chapter 11, Part 4, Distillery Manufacturing License.
- 407 (40) "Distressed merchandise" means an alcoholic product in the possession of the
- 408 department that is saleable, but for some reason is unappealing to the public.
- 409 (41) "Equity license" means a license issued in accordance with Chapter 5, Retail
- 410 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 411 commission as an equity license.
- 412 (42) "Event permit" means:
- 413 (a) a single event permit; or
- 414 (b) a temporary beer event permit.
- 415 (43) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 416 considered in determining the total number of retail licenses that the commission may issue at
- 417 any time.
- 418 (44) (a) "Flavored malt beverage" means a beverage:
- 419 (i) that contains at least .5% alcohol by volume;
- 420 ~~[(ii) that is treated by processing, filtration, or another method of manufacture that is~~
- 421 ~~not generally recognized as a traditional process in the production of a beer as described in 27~~
- 422 ~~C.F.R. Sec. 25.55;]~~
- 423 ~~[(iii) to which is added a flavor or other ingredient containing alcohol, except for a hop~~
- 424 ~~extract; and]~~
- 425 (ii) for which the producer is required to file a formula for approval with the federal
- 426 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage
- 427 is treated by processing, filtration, or another method of manufacture that is not generally
- 428 recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt

429 liquor; and

430 (iii) for which the producer is required to file a formula for approval with the federal
431 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage
432 includes an ingredient containing alcohol.

433 ~~[(iv) (A) for which the producer is required to file a formula for approval with the~~
434 ~~federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or]~~

435 ~~[(B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.]~~

436 (b) "Flavored malt beverage" is considered liquor for purposes of this title.

437 (45) "Fraternal license" means a license issued in accordance with Chapter 5, Retail
438 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
439 commission as a fraternal license.

440 (46) "Full-service restaurant license" means a license issued in accordance with
441 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

442 (47) (a) "Furnish" means by any means to provide with, supply, or give an individual
443 an alcoholic product, by sale or otherwise.

444 (b) "Furnish" includes to:

445 (i) serve;

446 (ii) deliver; or

447 (iii) otherwise make available.

448 (48) "Guest" means an individual who meets the requirements of Subsection
449 [32B-6-407\(9\)](#).

450 (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

451 (50) "Health care practitioner" means:

452 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

453 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

454 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

455 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
456 Act;

457 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
458 Nurse Practice Act;

459 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy

- 460 Practice Act;
- 461 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
462 Therapy Practice Act;
- 463 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 464 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
465 Professional Practice Act;
- 466 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 467 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
468 Practice Act;
- 469 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
470 Hygienist Practice Act; and
- 471 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
472 Assistant Act.
- 473 (51) (a) "Heavy beer" means a product that:
- 474 (i) contains more than 5% alcohol by volume; and
- 475 (ii) is obtained by fermentation, infusion, or decoction of [~~malted grain~~];
- 476 (A) malt; or
- 477 (B) a malt substitute.
- 478 (b) "Heavy beer" is considered liquor for the purposes of this title.
- 479 (52) "Hospitality amenity license" means a license issued in accordance with Chapter
480 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 481 (53) (a) "Hotel" means a commercial lodging establishment that:
- 482 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
- 483 (ii) is capable of hosting conventions, conferences, and food and beverage functions
484 under a banquet contract; and
- 485 (iii) (A) has adequate kitchen or culinary facilities on the premises to provide complete
486 meals;
- 487 (B) has at least 1,000 square feet of function space consisting of meeting or dining
488 rooms that can be reserved for [~~private use under~~] a banquet [~~contract~~] and can accommodate at
489 least 75 individuals; or
- 490 (C) if the establishment is located in a small or unincorporated locality, has an

491 appropriate amount of function space consisting of meeting or dining rooms that can be
492 reserved for private use under a banquet contract, as determined by the commission.

493 (b) "Hotel" includes a commercial lodging establishment that:

494 (i) meets the requirements under Subsection (53)(a); and

495 (ii) has one or more privately owned dwelling units.

496 (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail
497 License Act, and Chapter 8b, Hotel License Act.

498 (55) "Identification card" means an identification card issued under Title 53, Chapter 3,
499 Part 8, Identification Card Act.

500 (56) "Industry representative" means an individual who is compensated by salary,
501 commission, or other means for representing and selling an alcoholic product of a
502 manufacturer, supplier, or importer of liquor.

503 (57) "Industry representative sample" means liquor that is placed in the possession of
504 the department for testing, analysis, and sampling by a local industry representative on the
505 premises of the department to educate the local industry representative of the quality and
506 characteristics of the product.

507 (58) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing
508 of an alcoholic product is prohibited by:

509 (a) law; or

510 (b) court order.

511 (59) "International airport" means an airport:

512 (a) with a United States Customs and Border Protection office on the premises of the
513 airport; and

514 (b) at which international flights may enter and depart.

515 (60) "Intoxicated" means that a person:

516 (a) is significantly impaired as to the person's mental or physical functions as a result of
517 the use of:

518 (i) an alcoholic product;

519 (ii) a controlled substance;

520 (iii) a substance having the property of releasing toxic vapors; or

521 (iv) a combination of Subsections (60)(a)(i) through (iii); and

522 (b) exhibits plain and easily observed outward manifestations of behavior or physical
523 signs produced by the overconsumption of an alcoholic product.

524 (61) "Investigator" means an individual who is:

525 (a) a department compliance officer; or

526 (b) a nondepartment enforcement officer.

527 (62) "License" means:

528 (a) a retail license;

529 (b) a sublicense;

530 (c) a license issued in accordance with Chapter 7, Part 4, Off-Premise Beer Retailer
531 State License;

532 [~~(e)~~] (d) a license issued in accordance with Chapter 11, Manufacturing and Related
533 Licenses Act;

534 [~~(d)~~] (e) a license issued in accordance with Chapter 12, Liquor Warehousing License
535 Act;

536 [~~(e)~~] (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act;
537 or

538 [~~(f)~~] (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.

539 (63) "Licensee" means a person who holds a license.

540 (64) "Limited-service restaurant license" means a license issued in accordance with
541 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

542 (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other
543 than a bus or taxicab:

544 (a) in which the driver and a passenger are separated by a partition, glass, or other
545 barrier;

546 (b) that is provided by a business entity to one or more individuals at a fixed charge in
547 accordance with the business entity's tariff; and

548 (c) to give the one or more individuals the exclusive use of the limousine and a driver
549 to travel to one or more specified destinations.

550 (66) (a) (i) "Liquor" means a liquid that:

551 (A) is:

552 (I) alcohol;

- 553 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 554 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
- 555 (IV) other drink or drinkable liquid; and
- 556 (B) (I) contains at least .5% alcohol by volume; and
- 557 (II) is suitable to use for beverage purposes.
- 558 (ii) "Liquor" includes:
- 559 (A) heavy beer;
- 560 (B) wine; and
- 561 (C) a flavored malt beverage.
- 562 (b) "Liquor" does not include beer.
- 563 (67) "Liquor Control Fund" means the enterprise fund created by Section [32B-2-301](#).
- 564 (68) "Liquor transport license" means a license issued in accordance with Chapter 17,
- 565 Liquor Transport License Act.
- 566 (69) "Liquor warehousing license" means a license that is issued:
- 567 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 568 (b) to a person, other than a licensed manufacturer, who engages in the importation for
- 569 storage, sale, or distribution of liquor regardless of amount.
- 570 (70) "Local authority" means:
- 571 (a) for premises that are located in an unincorporated area of a county, the governing
- 572 body of a county;
- 573 (b) for premises that are located in an incorporated city, town, or metro township, the
- 574 governing body of the city, town, or metro township; or
- 575 (c) for premises that are located in a project area as defined in Section [63H-1-102](#) and
- 576 in a project area plan adopted by the Military Installation Development Authority under Title
- 577 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation
- 578 Development Authority.
- 579 (71) "Lounge or bar area" is as defined by rule made by the commission.
- 580 (72) "Malt substitute" means:
- 581 (a) rice;
- 582 (b) grain;
- 583 (c) bran;

584 (d) glucose;

585 (e) sugar; or

586 (f) molasses.

587 [~~(72)~~] (73) "Manufacture" means to distill, brew, rectify, mix, compound, process,
588 ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to
589 others.

590 [~~(73)~~] (74) "Member" means an individual who, after paying regular dues, has full
591 privileges in an equity licensee or fraternal licensee.

592 [~~(74)~~] (75) (a) "Military installation" means a base, air field, camp, post, station, yard,
593 center, or homeport facility for a ship:

594 (i) (A) under the control of the United States Department of Defense; or

595 (B) of the National Guard;

596 (ii) that is located within the state; and

597 (iii) including a leased facility.

598 (b) "Military installation" does not include a facility used primarily for:

599 (i) civil works;

600 (ii) a rivers and harbors project; or

601 (iii) a flood control project.

602 [~~(75)~~] (76) "Minibar" means an area of a hotel guest room where one or more alcoholic
603 products are kept and offered for self-service sale or consumption.

604 [~~(76)~~] (77) "Minor" means an individual under [~~the age of~~] 21 years old.

605 [~~(77)~~] (78) "Nondepartment enforcement agency" means an agency that:

606 (a) (i) is a state agency other than the department; or

607 (ii) is an agency of a county, city, town, or metro township; and

608 (b) has a responsibility to enforce one or more provisions of this title.

609 [~~(78)~~] (79) "Nondepartment enforcement officer" means an individual who is:

610 (a) a peace officer, examiner, or investigator; and

611 (b) employed by a nondepartment enforcement agency.

612 [~~(79)~~] (80) (a) "Off-premise beer retailer" means a beer retailer who is:

613 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and

614 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's

615 premises.

616 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.

617 ~~[(80)]~~ (81) "Off-premise beer retailer state license" means a state license issued in
618 accordance with Chapter 7, Part 4, Off-Premise Beer Retailer State License.

619 ~~[(81)]~~ (82) "On-premise banquet license" means a license issued in accordance with
620 Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

621 ~~[(82)]~~ (83) "On-premise beer retailer" means a beer retailer who is:

622 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
623 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
624 Retailer License; and

625 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
626 premises:

627 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
628 premises; and

629 (ii) on and after March 1, 2012, operating:

630 (A) as a tavern; or

631 (B) in a manner that meets the requirements of Subsection [32B-6-703\(2\)\(e\)\(i\)](#).

632 ~~[(83)]~~ (84) "Opaque" means impenetrable to sight.

633 ~~[(84)]~~ (85) "Package agency" means a retail liquor location operated:

634 (a) under an agreement with the department; and

635 (b) by a person:

636 (i) other than the state; and

637 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
638 Agency, to sell packaged liquor for consumption off the premises of the package agency.

639 ~~[(85)]~~ (86) "Package agent" means a person who holds a package agency.

640 ~~[(86)]~~ (87) "Patron" means an individual to whom food, beverages, or services are sold,
641 offered for sale, or furnished, or who consumes an alcoholic product including:

642 (a) a customer;

643 (b) a member;

644 (c) a guest;

645 (d) an attendee of a banquet or event;

646 (e) an individual who receives room service;
647 (f) a resident of a resort; or
648 (g) a hospitality guest, as defined in Section [32B-6-1002](#), under a hospitality amenity
649 license.

650 ~~[(87)]~~ (88) (a) "Performing arts facility" means a multi-use performance space that:

651 (i) is primarily used to present various types of performing arts, including dance,
652 music, and theater;

653 (ii) contains over 2,500 seats;

654 (iii) is owned and operated by a governmental entity; and

655 (iv) is located in a city of the first class.

656 (b) "Performing arts facility" does not include a space that is used to present sporting
657 events or sporting competitions.

658 ~~[(88)]~~ (89) "Permittee" means a person issued a permit under:

659 (a) Chapter 9, Event Permit Act; or

660 (b) Chapter 10, Special Use Permit Act.

661 ~~[(89)]~~ (90) "Person subject to administrative action" means:

662 (a) a licensee;

663 (b) a permittee;

664 (c) a manufacturer;

665 (d) a supplier;

666 (e) an importer;

667 (f) one of the following holding a certificate of approval:

668 (i) an out-of-state brewer;

669 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or

670 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or

671 (g) staff of:

672 (i) a person listed in Subsections ~~[(89)]~~ (90)(a) through (f); or

673 (ii) a package agent.

674 ~~[(90)]~~ (91) "Premises" means a building, enclosure, or room used in connection with
675 the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
676 product, unless otherwise defined in this title or rules made by the commission.

677 [~~91~~] (92) "Prescription" means an order issued by a health care practitioner when:

678 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
679 to prescribe a controlled substance, other drug, or device for medicinal purposes;

680 (b) the order is made in the course of that health care practitioner's professional
681 practice; and

682 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

683 [~~92~~] (93) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.

684 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.

685 [~~93~~] (94) "Principal license" means:

686 (a) a resort license;

687 (b) a hotel license; or

688 (c) an arena license.

689 [~~94~~] (95) (a) "Private event" means a specific social, business, or recreational event:

690 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
691 group; and

692 (ii) that is limited in attendance to people who are specifically designated and their
693 guests.

694 (b) "Private event" does not include an event to which the general public is invited,
695 whether for an admission fee or not.

696 [~~95~~] (96) "Privately sponsored event" means a specific social, business, or
697 recreational event:

698 (a) that is held in or on the premises of an on-premise banquet licensee; and

699 (b) to which entry is restricted by an admission fee.

700 [~~96~~] (97) (a) "Proof of age" means:

701 (i) an identification card;

702 (ii) an identification that:

703 (A) is substantially similar to an identification card;

704 (B) is issued in accordance with the laws of a state other than Utah in which the
705 identification is issued;

706 (C) includes date of birth; and

707 (D) has a picture affixed;

- 708 (iii) a valid driver license certificate that:
- 709 (A) includes date of birth;
- 710 (B) has a picture affixed; and
- 711 (C) is issued:
 - 712 (I) under Title 53, Chapter 3, Uniform Driver License Act; [~~or~~]
 - 713 (II) in accordance with the laws of the state in which it is issued; or
 - 714 (III) in accordance with federal law by the United States Department of State;
- 715 (iv) a military identification card that:
 - 716 (A) includes date of birth; and
 - 717 (B) has a picture affixed; or
 - 718 (v) a valid passport.
- 719 (b) "Proof of age" does not include a driving privilege card issued in accordance with
- 720 Section [53-3-207](#).
- 721 [~~(97)~~] (98) "Provisions applicable to a sublicense" means:
- 722 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
- 723 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 724 (b) for a limited-service restaurant sublicense, the provisions applicable to a
- 725 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
- 726 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
- 727 license under Chapter 6, Part 4, Bar Establishment License;
- 728 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
- 729 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 730 (e) for an on-premise beer retailer sublicense, the provisions applicable to an
- 731 on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 732 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
- 733 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 734 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
- 735 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 736 (h) for a [~~resort~~] spa sublicense, the provisions applicable to the sublicense under
- 737 Chapter 8d, Part 2, [~~Resort~~] Spa Sublicense.
- 738 [~~(98)~~] (99) (a) "Public building" means a building or permanent structure that is:

- 739 (i) owned or leased by:
- 740 (A) the state; or
- 741 (B) a local government entity; and
- 742 (ii) used for:
- 743 (A) public education;
- 744 (B) transacting public business; or
- 745 (C) regularly conducting government activities.
- 746 (b) "Public building" does not include a building owned by the state or a local
- 747 government entity when the building is used by a person, in whole or in part, for a proprietary
- 748 function.
- 749 [~~(99)~~] (100) "Public conveyance" means a conveyance that the public or a portion of
- 750 the public has access to and a right to use for transportation, including an airline, railroad, bus,
- 751 boat, or other public conveyance.
- 752 [~~(100)~~] (101) "Reception center" means a business that:
- 753 (a) operates facilities that are at least 5,000 square feet; and
- 754 (b) has as its primary purpose the leasing of the facilities described in Subsection
- 755 [~~(100)~~] (101)(a) to a third party for the third party's event.
- 756 [~~(101)~~] (102) "Reception center license" means a license issued in accordance with
- 757 Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 758 [~~(102)~~] (103) (a) "Record" means information that is:
- 759 (i) inscribed on a tangible medium; or
- 760 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 761 (b) "Record" includes:
- 762 (i) a book;
- 763 (ii) a book of account;
- 764 (iii) a paper;
- 765 (iv) a contract;
- 766 (v) an agreement;
- 767 (vi) a document; or
- 768 (vii) a recording in any medium.
- 769 [~~(103)~~] (104) "Residence" means a person's principal place of abode within Utah.

770 [(104)] (105) "Resident," in relation to a resort, means the same as that term is defined
771 in Section 32B-8-102.

772 [(105)] (106) "Resort" means the same as that term is defined in Section 32B-8-102.

773 [(106)] (107) "Resort facility" is as defined by the commission by rule.

774 [(107)] "~~Resort spa sublicense~~" means a ~~resort license sublicense~~ issued in accordance
775 with ~~Chapter 8d, Part 2, Resort Spa Sublicense.~~]

776 (108) "Resort license" means a license issued in accordance with Chapter 5, Retail
777 License Act, and Chapter 8, Resort License Act.

778 (109) "Responsible alcohol service plan" means a written set of policies and
779 procedures that outlines measures to prevent employees from:

- 780 (a) over-serving alcoholic beverages to customers;
- 781 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
782 intoxicated; and
- 783 (c) serving alcoholic beverages to minors.

784 (110) "Restaurant" means a business location:

- 785 (a) at which a variety of foods are prepared;
- 786 (b) at which complete meals are served; and
- 787 (c) that is engaged primarily in serving meals.

788 (111) "Restaurant license" means one of the following licenses issued under this title:

- 789 (a) a full-service restaurant license;
- 790 (b) a limited-service restaurant license; or
- 791 (c) a beer-only restaurant license.

792 (112) "Retail license" means one of the following licenses issued under this title:

- 793 (a) a full-service restaurant license;
- 794 (b) a master full-service restaurant license;
- 795 (c) a limited-service restaurant license;
- 796 (d) a master limited-service restaurant license;
- 797 (e) a bar establishment license;
- 798 (f) an airport lounge license;
- 799 (g) an on-premise banquet license;
- 800 (h) an on-premise beer license;

801 (i) a reception center license;

802 (j) a beer-only restaurant license;

803 (k) a hospitality amenity license;

804 (l) a resort license;

805 (m) a hotel license; or

806 (n) an arena license.

807 (113) "Room service" means furnishing an alcoholic product to a person in a guest
808 room or privately owned dwelling unit of a:

809 (a) hotel; or

810 (b) resort facility.

811 (114) (a) "School" means a building in which any part is used for more than three
812 hours each weekday during a school year as a public or private:

813 (i) elementary school;

814 (ii) secondary school; or

815 (iii) kindergarten.

816 (b) "School" does not include:

817 (i) a nursery school;

818 (ii) a day care center;

819 (iii) a trade and technical school;

820 (iv) a preschool; or

821 (v) a home school.

822 (115) "Secondary flavoring ingredient" means any spirituous liquor added to a
823 beverage for additional flavoring that is different in type, flavor, or brand from the primary
824 spirituous liquor in the beverage.

825 (116) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
826 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,
827 delivered for value, or by a means or under a pretext is promised or obtained, whether done by
828 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules
829 made by the commission.

830 (117) "Serve" means to place an alcoholic product before an individual.

831 (118) "Sexually oriented entertainer" means a person who while in a state of

832 seminudity appears at or performs:

833 (a) for the entertainment of one or more patrons;

834 (b) on the premises of:

835 (i) a bar licensee; or

836 (ii) a tavern;

837 (c) on behalf of or at the request of the licensee described in Subsection (118)(b);

838 (d) on a contractual or voluntary basis; and

839 (e) whether or not the person is designated as:

840 (i) an employee;

841 (ii) an independent contractor;

842 (iii) an agent of the licensee; or

843 (iv) a different type of classification.

844 (119) "Shared seating area" means the licensed premises of two or more restaurant
845 licensees that the restaurant licensees share as an area for alcoholic beverage consumption in
846 accordance with Subsection 32B-5-207(3).

847 (120) "Single event permit" means a permit issued in accordance with Chapter 9, Part
848 3, Single Event Permit.

849 (121) "Small brewer" means a brewer who manufactures less than 60,000 barrels of
850 beer, heavy beer, and flavored malt beverage per year, as the department calculates by:

851 (a) if the brewer is part of a controlled group of [~~breweries~~] manufacturers, including
852 the combined volume totals of production for all breweries that constitute the controlled group
853 of [~~breweries~~] manufacturers; and

854 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:

855 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
856 determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
857 Rulemaking Act; and

858 (ii) does not sell for consumption as, or in, a beverage.

859 (122) "Small or unincorporated locality" means:

860 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;

861 (b) a town, as classified under Section 10-2-301; or

862 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified

863 under Section 17-50-501.

864 (123) "Spa sublicense" means a sublicense:

865 (a) to a resort license or hotel license; and

866 (b) that the commission issues in accordance with Chapter 8d, Part 2, Spa Sublicense.

867 [~~(123)~~] (124) "Special use permit" means a permit issued in accordance with Chapter
868 10, Special Use Permit Act.

869 [~~(124)~~] (125) (a) "Spirituous liquor" means liquor that is distilled.

870 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by

871 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

872 [~~(125)~~] (126) "Sports center" is as defined by the commission by rule.

873 [~~(126)~~] (127) (a) "Staff" means an individual who engages in activity governed by this
874 title:

875 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
876 holder;

877 (ii) at the request of the business, including a package agent, licensee, permittee, or
878 certificate holder; or

879 (iii) under the authority of the business, including a package agent, licensee, permittee,
880 or certificate holder.

881 (b) "Staff" includes:

882 (i) an officer;

883 (ii) a director;

884 (iii) an employee;

885 (iv) personnel management;

886 (v) an agent of the licensee, including a managing agent;

887 (vi) an operator; or

888 (vii) a representative.

889 [~~(127)~~] (128) "State of nudity" means:

890 (a) the appearance of:

891 (i) the nipple or areola of a female human breast;

892 (ii) a human genital;

893 (iii) a human pubic area; or

- 894 (iv) a human anus; or
- 895 (b) a state of dress that fails to opaquely cover:
- 896 (i) the nipple or areola of a female human breast;
- 897 (ii) a human genital;
- 898 (iii) a human pubic area; or
- 899 (iv) a human anus.
- 900 [~~(128)~~] (129) "State of seminudity" means a state of dress in which opaque clothing
- 901 covers no more than:
- 902 (a) the nipple and areola of the female human breast in a shape and color other than the
- 903 natural shape and color of the nipple and areola; and
- 904 (b) the human genitals, pubic area, and anus:
- 905 (i) with no less than the following at its widest point:
- 906 (A) four inches coverage width in the front of the human body; and
- 907 (B) five inches coverage width in the back of the human body; and
- 908 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 909 [~~(129)~~] (130) (a) "State store" means a facility for the sale of packaged liquor:
- 910 (i) located on premises owned or leased by the state; and
- 911 (ii) operated by a state employee.
- 912 (b) "State store" does not include:
- 913 (i) a package agency;
- 914 (ii) a licensee; or
- 915 (iii) a permittee.
- 916 [~~(130)~~] (131) (a) "Storage area" means an area on licensed premises where the licensee
- 917 stores an alcoholic product.
- 918 (b) "Store" means to place or maintain in a location an alcoholic product.
- 919 [~~(131)~~] (132) "Sublicense" means:
- 920 (a) any of the following licenses issued as a subordinate license to, and contingent on
- 921 the issuance of, a principal license:
- 922 (i) a full-service restaurant license;
- 923 (ii) a limited-service restaurant license;
- 924 (iii) a bar establishment license;

- 925 (iv) an on-premise banquet license;
- 926 (v) an on-premise beer retailer license;
- 927 (vi) a beer-only restaurant license; or
- 928 (vii) a hospitality amenity license; or
- 929 (b) a [~~resort~~] spa sublicense.

930 [~~(132)~~] (133) "Supplier" means a person who sells an alcoholic product to the
931 department.

932 [~~(133)~~] (134) "Tavern" means an on-premise beer retailer who is:

933 (a) issued a license by the commission in accordance with Chapter 5, Retail License
934 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

935 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
936 On-Premise Beer Retailer License.

937 [~~(134)~~] (135) "Temporary beer event permit" means a permit issued in accordance with
938 Chapter 9, Part 4, Temporary Beer Event Permit.

939 [~~(135)~~] (136) "Temporary domicile" means the principal place of abode within Utah of
940 a person who does not have a present intention to continue residency within Utah permanently
941 or indefinitely.

942 [~~(136)~~] (137) "Translucent" means a substance that allows light to pass through, but
943 does not allow an object or person to be seen through the substance.

944 [~~(137)~~] (138) "Unsaleable liquor merchandise" means a container that:

945 (a) is unsaleable because the container is:

- 946 (i) unlabeled;
- 947 (ii) leaky;
- 948 (iii) damaged;
- 949 (iv) difficult to open; or
- 950 (v) partly filled;

951 (b) (i) has faded labels or defective caps or corks;

952 (ii) has contents that are:

953 (A) cloudy;

954 (B) spoiled; or

955 (C) chemically determined to be impure; or

956 (iii) contains:
957 (A) sediment; or
958 (B) a foreign substance; or
959 (c) is otherwise considered by the department as unfit for sale.
960 ~~[(138)]~~ (139) (a) "Wine" means an alcoholic product obtained by the fermentation of
961 the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or
962 not another ingredient is added.
963 (b) "Wine" includes:
964 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.
965 4.10; and
966 (ii) hard cider.
967 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided
968 in this title.
969 ~~[(139)]~~ (140) "Winery manufacturing license" means a license issued in accordance
970 with Chapter 11, Part 3, Winery Manufacturing License.
971 Section 2. Section **32B-1-202.1** is amended to read:
972 **32B-1-202.1. Proximity for certain and arena hotel licensees.**
973 (1) As used in this section, "hotel" means the same as that term is defined in Section
974 [32B-8b-102](#).
975 (2) The commission may issue a hotel license for a proposed location that does not
976 meet the proximity requirements under Section [32B-1-202](#), if:
977 (a) the proposed hotel is:
978 (i) located in a city classified as a city of the first class under Section [10-2-301](#);
979 (ii) within 600 feet of two community locations, as measured from the nearest patron
980 entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to
981 the property boundary of each community location;
982 (iii) not within 300 feet of a community location, as measured from the nearest patron
983 entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to
984 the property boundary of the community location; and
985 (iv) not within 200 feet of a community location, as measured in a straight line from
986 the nearest patron entrance of the proposed hotel to the nearest property boundary of the

987 community location;

988 (b) the proposed sublicensed premises of a bar establishment sublicense under the hotel
989 license:

990 (i) is on the second or higher floor of a hotel;

991 (ii) is not accessible at street level; and

992 (iii) is only accessible to an individual who passes through another area of the hotel in
993 which the bar establishment sublicense is located; and

994 (c) the applicant meets all other criteria under this title for the hotel license.

995 (3) The commission may issue authority to operate as a package agency to a hotel
996 licensee who meets the requirements described in Subsection (2).

997 (4) (a) The commission may issue an arena license for a proposed location that does
998 not meet the proximity requirements described in Section 32B-1-202, if, on the day before the
999 day on which the commission issues the license, each proposed sublicense of the arena license:

1000 (i) operates as an outlet or restaurant; and

1001 (ii) (A) operates on the proposed sublicense premises under a variance to one or more
1002 proximity requirements in accordance with Section 32B-1-202; or

1003 (B) has been in operation on the proposed sublicense premises for at least 10 years.

1004 (b) After the commission issues an arena license in accordance with Subsection (4)(a),
1005 the commission may not issue the arena licensee an additional sublicense.

1006 Section 3. Section **32B-1-603** is amended to read:

1007 **32B-1-603. Power of the commission and department to classify flavored malt**
1008 **beverages.**

1009 (1) The commission and department shall regulate a flavored malt beverage as liquor.

1010 (2) (a) The department shall make available to the public on the Internet a list of the
1011 flavored malt beverages authorized to be sold in this state as liquor.

1012 (b) The list described in Subsection (2)(a) shall be updated at least quarterly.

1013 (3) (a) A manufacturer shall file, under penalty of perjury, a report with the department
1014 listing each flavored malt beverage manufactured by the manufacturer that the manufacturer
1015 wants to distribute in this state subject to the manufacturer holding:

1016 (i) a brewery manufacturing license issued in accordance with Chapter 11, Part 5,
1017 Brewery Manufacturing License; or

1018 (ii) a certificate of approval.

1019 (b) A manufacturer may not distribute or sell in this state a flavored malt beverage if
1020 the manufacturer does not list the flavored malt beverage in a filing with the department in
1021 accordance with this Subsection (3) before distributing or selling the flavored malt beverage.

1022 (4) The department may require a manufacturer of a flavored malt beverage to provide
1023 the department with a copy of the following filed with the federal Alcohol and Tobacco Tax
1024 and Trade Bureau, pursuant to 27 C.F.R. Sec. 25.55:

1025 (a) a statement of process; or
1026 (b) a formula.

1027 (5) (a) A manufacturer of an alcoholic product that the department is classifying or
1028 proposes to classify as a flavored malt beverage may submit evidence to the department that
1029 [its] the manufacturer's alcoholic product should not be treated as liquor under this section
1030 because ~~[the alcoholic product:] no formula for the alcoholic product is required to be filed for~~
1031 a reason described in:

1032 (i) Subsection 32B-1-102(44)(a)(ii), as shown by a determination issued by the federal
1033 Alcohol and Tobacco Tax and Trade Bureau; or

1034 (ii) Subsection 32B-1-102(44)(a)(iii).

1035 ~~[(i) is obtained by fermentation, infusion, or decoction of a malted grain;]~~
1036 ~~[(ii) is produced by processing, filtration, or another method of manufacture that is~~
1037 ~~generally recognized as a traditional process in the production of beer as described in 27 C.F.R.~~
1038 ~~Sec. 25.55;]~~

1039 ~~[(iii) does not have added to it a flavor or other ingredient containing alcohol, except~~
1040 ~~for a hop extract; and]~~

1041 ~~[(iv) (A) is not one for which the producer is required to file a formula for approval~~
1042 ~~with the federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55;~~
1043 ~~or]~~

1044 ~~[(B) is exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55;]~~

1045 (b) The department shall review the evidence submitted by the manufacturer under this
1046 Subsection (5).

1047 (c) The department shall make available to the public on the Internet a list of the
1048 alcoholic products authorized under this Subsection (5) to be sold as beer in this state.

1049 (d) A decision of the department under this Subsection (5) may be appealed to the
1050 commission.

1051 Section 4. Section **32B-1-604** is amended to read:

1052 **32B-1-604. Requirements for labeling and packaging -- Authority of the**
1053 **commission and department.**

1054 (1) A manufacturer may not distribute or sell a malted beverage:

1055 (a) unless the label and packaging of the malted beverage:

1056 (i) complies with the federal label requirements of 27 C.F.R. Parts 7, 13, and 16; and

1057 (ii) clearly gives notice to the public that the malted beverage is an alcoholic product;

1058 and

1059 (b) until the day on which the department in accordance with this title and rules of the
1060 commission approves the label and packaging of the malted beverage.

1061 (2) The department shall review the label and packaging of a malted beverage to ensure
1062 that the label and packaging meet the requirements of Subsection (1)(a).

1063 (3) Except as otherwise required under Section **32B-1-606**, a manufacturer may comply
1064 with the requirement of Subsection (1)(a)(ii) by including on a label and packaging for a
1065 malted beverage any of the following terms in obvious and clearly visible contrast to the
1066 background of the text:

1067 (a) beer;

1068 (b) ale;

1069 (c) porter;

1070 (d) stout;

1071 (e) lager;

1072 (f) lager beer; [~~or~~]

1073 (g) hard seltzer;

1074 (h) spiked seltzer; or

1075 [~~(g)~~] (i) another class or type designation commonly applied to a malted beverage that
1076 conveys by a recognized term that the product contains alcohol.

1077 Section 5. Section **32B-1-605** is amended to read:

1078 **32B-1-605. General procedure for approval.**

1079 (1) To obtain approval of the label and packaging of a malted beverage, the

1080 manufacturer of the malted beverage shall submit an application to the department for
1081 approval.

1082 (2) The application described in Subsection (1) shall be on a form approved by the
1083 department and include the following for each brand and label for which the manufacturer
1084 seeks approval:

1085 (a) (i) a copy of a federal certificate of label approval from the United States
1086 Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau; or

1087 (ii) if the United States Department of Treasury, Alcohol and Tobacco Tax and Trade
1088 Bureau does not require label approval, a copy of formula approval from the United States
1089 Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau;

1090 (b) a complete set of original labels for each size of container of the malted beverage;

1091 (c) a description of the size of the container on which a label will be placed;

1092 (d) a description of each type of container of the malted beverage; and

1093 (e) a description of any packaging for the malted beverage.

1094 (3) The department may assess a reasonable fee for reviewing a label and packaging for
1095 approval.

1096 (4) (a) The department shall notify a manufacturer within 30 days after the day on
1097 which the manufacturer submits ~~[an]~~ a complete application whether the label and packaging is
1098 approved or denied.

1099 (b) If the department determines that an unusual circumstance requires additional time,
1100 the department may extend the time period described in Subsection (4)(a).

1101 (5) A manufacturer shall obtain the approval of the department of a revision of a
1102 previously approved label and packaging before a malted beverage using the revised label and
1103 packaging may be distributed or sold in this state.

1104 (6) (a) The department may revoke a label and packaging previously approved upon a
1105 finding that the label and packaging is not in compliance with this title or rules of the
1106 commission.

1107 (b) The department shall notify the ~~[person who applies for the approval of a]~~
1108 manufacturer who applied for an approved label and packaging at least ~~[five]~~ 30 business days
1109 before the day on which ~~[a]~~ the label and packaging approval is considered revoked.

1110 (c) ~~[After receiving]~~ Within 20 business days after the day on which a manufacturer

1111 receives the notice under Subsection (6)(b), [a] the manufacturer may present written argument
1112 or evidence to the department on why the revocation should not occur.

1113 (7) (a) A manufacturer that applies for approval of a label and packaging may appeal a
1114 denial or revocation of a label and packaging approval to the commission.

1115 (b) During the period in which a manufacturer appeals a denial or revocation of a label
1116 and packaging approval to the commission, as permitted under Subsection (7)(a), the denial or
1117 revocation shall remain in force.

1118 Section 6. Section **32B-1-606** is amended to read:

1119 **32B-1-606. Special procedure for certain malted beverages.**

1120 (1) A manufacturer of a malted beverage may not distribute or sell the malted beverage
1121 in the state until the day on which the manufacturer receives approval of the labeling and
1122 packaging from the department in accordance with:

1123 (a) Sections **32B-1-604** and **32B-1-605**; and

1124 (b) this section, if the malted beverage is labeled or packaged in a manner that is:

1125 (i) similar to a label or packaging used for a nonalcoholic beverage; or

1126 (ii) likely to confuse or mislead a patron to believe the malted beverage is a
1127 nonalcoholic beverage.

1128 (2) The department may not approve the labeling and packaging of a malted beverage
1129 described in Subsection (1) unless in addition to the requirements of Section **32B-1-604** the
1130 labeling and packaging complies with the following:

1131 (a) the front of the label on the malted beverage bears a prominently displayed label or
1132 a firmly affixed sticker that provides the following information in a font that measures at least
1133 three millimeters high and is in obvious and clearly visible contrast to the background of the
1134 text:

1135 (i) the statement:

1136 (A) "alcoholic beverage"; or

1137 (B) "contains alcohol"; and

1138 (ii) the alcohol content of the malted beverage, if the alcohol content is not otherwise
1139 provided:

1140 (A) in a serving facts statement on the container; and

1141 (B) in a format allowed by the Federal Alcohol and Tobacco Tax Trade Bureau;

1142 (b) the packaging of the malted beverage prominently includes, either imprinted on the
1143 packaging or imprinted on a sticker firmly affixed to the packaging in a font that measures at
1144 least three millimeters high and is in obvious and clearly visible contrast to the background of
1145 the text, the statement:

1146 (i) "alcoholic beverage"; or

1147 (ii) "contains alcohol";

1148 (c) a statement required by Subsection (2)(a) or (b) appears in a format required by rule
1149 made by the commission; and

1150 (d) a statement of alcohol content required by Subsection (2)(a)(ii):

1151 (i) states the alcohol content as a percentage of alcohol by volume or by weight; and

1152 (ii) is in a format required by rule made by the commission.

1153 (3) The department may reject a label or packaging that appears designed to obscure
1154 the information required by Subsection (2).

1155 (4) To determine whether a malted beverage is described in Subsection (1) and subject
1156 to this section, the department may consider in addition to other factors one or more of the
1157 following factors:

1158 (a) whether the coloring, carbonation, and packaging of the malted beverage:

1159 (i) is similar to those of a nonalcoholic beverage or product; or

1160 (ii) can be confused with a nonalcoholic beverage;

1161 (b) whether the malted beverage possesses a character and flavor distinctive from a
1162 traditional malted beverage;

1163 (c) whether the malted beverage:

1164 (i) is prepackaged;

1165 (ii) contains high levels of caffeine and other additives; and

1166 (iii) is marketed as a beverage that is specifically designed to provide energy;

1167 (d) whether the malted beverage contains added sweetener or sugar substitutes; or

1168 (e) whether the malted beverage contains an added fruit flavor or other flavor that
1169 masks the taste of a traditional malted beverage.

1170 Section 7. Section **32B-1-701** is amended to read:

1171 **32B-1-701. Definitions.**

1172 As used in this part:

1173 (1) "Off-premise retail manager" means an individual who manages operations at a
1174 premises that is licensed under Chapter 7, Off-Premise Beer Retailer Act.

1175 (2) (a) "Off-premise retail staff" means an individual who sells beer at a premises that
1176 is licensed under Chapter 7, Off-Premise Beer Retailer Act.

1177 (b) "Off-premise retail staff" does not include an off-premise retail manager.

1178 (3) "Retail manager" means an individual who:

1179 (a) manages operations at a premises that is licensed under ~~[this chapter]~~ Chapter 5,
1180 Retail License Act; or

1181 (b) supervises the furnishing of an alcoholic product at a premises that is licensed
1182 under ~~[this chapter]~~ Chapter 5, Retail License Act.

1183 (4) (a) "Retail staff" means an individual who serves an alcoholic product at a premises
1184 licensed under ~~[this chapter]~~ Chapter 5, Retail License Act.

1185 (b) "Retail staff" does not include a retail manager.

1186 Section 8. Section **32B-1-704** is amended to read:

1187 **32B-1-704. Department training programs.**

1188 (1) No later than January 1, 2018, the department shall develop the following training
1189 programs that are provided either in-person or online:

1190 (a) a training program for retail managers that addresses:

1191 (i) the statutes and rules that govern alcohol sales and consumption in the state;

1192 (ii) the requirements for operating as a retail licensee;

1193 (iii) using compliance assistance from the department; and

1194 (iv) any other topic the department determines beneficial to a retail manager; and

1195 (b) a training program for an individual employed by a retail licensee or an off-premise
1196 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an
1197 alcoholic beverage to an intoxicated individual or a minor, that addresses:

1198 (i) the statutes and rules that govern the most common types of violations under this
1199 title;

1200 (ii) how to avoid common violations; and

1201 (iii) any other topic the department determines beneficial to the training program.

1202 (2) No later than January 1, 2019, the department shall develop a training program for
1203 off-premise retail managers that is provided either in-person or online and addresses:

- 1204 (a) the statutes and rules that govern sales at an off-premise beer retailer;
- 1205 (b) the requirements for operating an off-premise beer retailer;
- 1206 (c) using compliance assistance from the department; and
- 1207 (d) any other topic the department determines beneficial to an off-premise retail
- 1208 manager.
- 1209 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
- 1210 the provisions of this section, the department shall make rules to develop and implement the
- 1211 training programs described in this section, including rules that establish:
 - 1212 (a) the requirements for each training program described in this section;
 - 1213 (b) measures that accurately identify each individual who takes and completes a
 - 1214 training program;
 - 1215 (c) measures that ensure an individual taking a training program is focused and actively
 - 1216 engaged in the training material throughout the training program;
 - 1217 (d) a record that certifies that an individual has completed a training program; and
 - 1218 (e) a fee for participation in a training program to cover the department's cost of
 - 1219 providing the training program.
- 1220 (4) (a) [~~Except as provided in Subsection (5), each~~] Each retail manager shall complete
- 1221 the training described in Subsection (1)(a) no later than the later of:
 - 1222 (i) 30 days after the day on which the retail manager is hired; or
 - 1223 (ii) [~~30 days after~~] the day on which the retail licensee obtains a retail license [~~under~~
 - 1224 ~~this chapter~~].
- 1225 (b) [~~Except as provided in Subsection (5), each~~] Each off-premise retail manager shall
- 1226 complete the training described in Subsection (2) no later than the later of:
 - 1227 (i) 30 days after the day on which the off-premise retail manager is hired; or
 - 1228 (ii) 30 days after the day on which the off-premise beer retailer obtains an off-premise
 - 1229 beer retailer state license.
- 1230 (c) (i) If the commission finds that a retail licensee violated a provision of this title
- 1231 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual
- 1232 or a minor for a second time within 36 consecutive months after the day on which the first
- 1233 violation was adjudicated, the violator, all retail staff, and each retail manager shall complete
- 1234 the training program described in Subsection (1)(b).

1235 (ii) If the commission finds that an off-premise beer retailer violated a provision of this
1236 title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
1237 individual or a minor for a second time within 36 consecutive months after the day on which
1238 the first violation was adjudicated, the violator and each off-premise retail manager shall
1239 complete the training program described in Subsection (1)(b).

1240 ~~[(5)(a) For a person who holds a retail license on January 1, 2018, each retail manager~~
1241 ~~shall complete the training program described in Subsection (1)(a) for the first time as a~~
1242 ~~condition of renewing the licensee's retail license in 2018.]~~

1243 ~~[(b) For a person who holds an off-premise beer retailer state license on January 1,~~
1244 ~~2019, each off-premise retail manager shall complete the training program described in~~
1245 ~~Subsection (1)(b) for the first time as a condition of renewing the licensee's off-premise beer~~
1246 ~~retailer state license in 2019.]~~

1247 ~~[(6)]~~ (5) If an individual fails to complete a required training program under this
1248 section:

1249 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
1250 beer retailer state license;

1251 (b) a city, town, metro township, or county in which the retail licensee or off-premise
1252 beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise
1253 beer retailer's business license; or

1254 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
1255 license.

1256 Section 9. Section **32B-2-101** is amended to read:

1257 **32B-2-101. Title.**

1258 This chapter is known as the "Alcoholic Beverage ~~[Control]~~ Services Administration
1259 Act."

1260 Section 10. Section **32B-2-201** is amended to read:

1261 **32B-2-201. Alcoholic Beverage Services Commission created.**

1262 (1) There is created the "Alcoholic Beverage ~~[Control]~~ Services Commission." The
1263 commission is the governing board over the department.

1264 (2) (a) The commission is composed of seven part-time commissioners appointed by
1265 the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter

1266 24, Part 2, Vacancies.

1267 (b) No more than four commissioners may be of the same political party.

1268 (3) (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the
1269 governor shall appoint each new commissioner or reappointed commissioner to a four-year
1270 term.

1271 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1272 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no
1273 more than three commissioners expire in a fiscal year.

1274 (4) (a) When a vacancy occurs on the commission for any reason, the governor shall
1275 appoint a replacement for the unexpired term with the advice and consent of the Senate.

1276 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on
1277 the commission after the expiration of a term until a successor is appointed by the governor,
1278 with the advice and consent of the Senate.

1279 (5) A commissioner shall take the oath of office.

1280 (6) (a) The governor may remove a commissioner from the commission for cause,
1281 neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:

1282 (i) the governor; or

1283 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

1284 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor
1285 shall provide the commissioner notice of:

1286 (i) the date, time, and place of the hearing; and

1287 (ii) the alleged grounds for the removal.

1288 (c) The commissioner shall have an opportunity to:

1289 (i) attend the hearing;

1290 (ii) present witnesses and other evidence; and

1291 (iii) confront and cross examine witnesses.

1292 (d) After a hearing under this Subsection (6):

1293 (i) the person conducting the hearing shall prepare written findings of fact and
1294 conclusions of law; and

1295 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the
1296 commissioner.

1297 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing
1298 examiner shall issue a written recommendation to the governor in addition to complying with
1299 Subsection (6)(d).

1300 (f) A commissioner has five days from the day on which the commissioner receives the
1301 findings and conclusions described in Subsection (6)(d) to file written objections to the
1302 recommendation before the governor issues a final order.

1303 (g) The governor shall:

1304 (i) issue the final order under this Subsection (6) in writing; and

1305 (ii) serve the final order upon the commissioner.

1306 (7) A commissioner may not receive compensation or benefits for the commissioner's
1307 service, but may receive per diem and travel expenses in accordance with:

1308 (a) Section 63A-3-106;

1309 (b) Section 63A-3-107; and

1310 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1311 63A-3-107.

1312 (8) (a) (i) The governor shall annually appoint the chair of the commission.

1313 (ii) A commissioner serves as chair to the commission at the pleasure of the governor.

1314 (iii) If removed as chair, the commissioner continues to serve as a commissioner unless
1315 removed as a commissioner under Subsection (6).

1316 (b) The commission shall elect:

1317 (i) another commissioner to serve as vice chair; and

1318 (ii) other commission officers as the commission considers advisable.

1319 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which
1320 the commissioner is elected at the pleasure of the commission.

1321 (9) (a) Each commissioner has equal voting rights on a commission matter when in
1322 attendance at a commission meeting.

1323 (b) Four commissioners is a quorum for conducting commission business.

1324 (c) A majority vote of the quorum present at a meeting is required for the commission
1325 to act.

1326 (d) A commissioner shall comply with the conflict of interest provisions described in
1327 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1328 (10) (a) The commission shall meet at least monthly, but may hold other meetings at
1329 times and places as scheduled by:

1330 (i) the commission;

1331 (ii) the chair; or

1332 (iii) three commissioners upon filing a written request for a meeting with the chair.

1333 (b) (i) Notice of the time and place of a commission meeting shall be given to each
1334 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public
1335 Meetings Act.

1336 (ii) A commission meeting is open to the public, except for a commission meeting or
1337 portion of a commission meeting that is closed by the commission as authorized by Sections
1338 [52-4-204](#) and [52-4-205](#).

1339 Section 11. Section **32B-2-202** is amended to read:

1340 **32B-2-202. Powers and duties of the commission.**

1341 (1) The commission shall:

1342 (a) consistent with the policy established by the Legislature by statute, act as a general
1343 policymaking body on the subject of alcoholic product control;

1344 (b) adopt and issue policies, rules, and procedures;

1345 (c) set policy by written rules that establish criteria and procedures for:

1346 (i) issuing, denying, not renewing, suspending, or revoking a package agency, license,
1347 permit, or certificate of approval; and

1348 (ii) determining the location of a state store, package agency, or retail licensee;

1349 (d) decide within the limits, and under the conditions imposed by this title, the number
1350 and location of state stores, package agencies, and retail licensees in the state;

1351 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
1352 sublicenses, permits, or certificates of approval for the purchase, storage, sale, offer for sale,
1353 furnishing, consumption, manufacture, and distribution of an alcoholic product:

1354 (i) a package agency;

1355 (ii) a full-service restaurant license;

1356 (iii) a master full-service restaurant license;

1357 (iv) a limited-service restaurant license;

1358 (v) a master limited-service restaurant license;

- 1359 (vi) a bar establishment license;
- 1360 (vii) an airport lounge license;
- 1361 (viii) an on-premise banquet license;
- 1362 (ix) a resort license, which includes four or more sublicenses;
- 1363 (x) an on-premise beer retailer license;
- 1364 (xi) a reception center license;
- 1365 (xii) a beer-only restaurant license;
- 1366 (xiii) a hotel license, which includes three or more sublicenses;
- 1367 (xiv) an arena license, which includes three or more sublicenses;
- 1368 (xv) a hospitality amenity license;
- 1369 (xvi) subject to Subsection [~~(4)~~] (5), a single event permit;
- 1370 (xvii) subject to Subsection [~~(4)~~] (5), a temporary beer event permit;
- 1371 (xviii) a special use permit;
- 1372 (xix) a manufacturing license;
- 1373 (xx) a liquor warehousing license;
- 1374 (xxi) a beer wholesaling license;
- 1375 (xxii) a liquor transport license;
- 1376 (xxiii) an off-premise beer retailer state license;
- 1377 (xxiv) a master off-premise beer retailer state license;
- 1378 (xxv) one of the following that holds a certificate of approval:
- 1379 (A) an out-of-state brewer;
- 1380 (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
- 1381 (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; and
- 1382 (xxvi) a [resort] spa sublicense;
- 1383 (f) issue, deny, suspend, or revoke the following conditional licenses:
- 1384 (i) a conditional retail license as defined in Section 32B-5-205; and
- 1385 (ii) a conditional off-premise beer retailer state license as defined in Section
- 1386 32B-7-406;
- 1387 (g) prescribe the duties of the department in assisting the commission in issuing a
- 1388 package agency, license, permit, or certificate of approval under this title;
- 1389 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title

1390 in accordance with Section 63J-1-504;

1391 (i) fix prices at which liquor is sold that are the same at all state stores, package
1392 agencies, and retail licensees;

1393 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
1394 class, variety, or brand of liquor kept for sale by the department;

1395 (k) (i) require the director to follow sound management principles; and
1396 (ii) require periodic reporting from the director to ensure that:
1397 (A) sound management principles are being followed; and
1398 (B) policies established by the commission are being observed;

1399 (l) (i) receive, consider, and act in a timely manner upon the reports, recommendations,
1400 and matters submitted by the director to the commission; and
1401 (ii) do the things necessary to support the department in properly performing the
1402 department's duties;

1403 (m) obtain temporarily and for special purposes the services of an expert or person
1404 engaged in the practice of a profession, or a person who possesses a needed skill if:
1405 (i) considered expedient; and
1406 (ii) approved by the governor;

1407 (n) prescribe by rule the conduct, management, and equipment of premises upon which
1408 an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;

1409 (o) make rules governing the credit terms of beer sales within the state to retail
1410 licensees; and

1411 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
1412 disciplinary action against a person subject to administrative action.

1413 (2) Consistent with the policy established by the Legislature by statute, the power of
1414 the commission to do the following is plenary, except as otherwise provided by this title, and
1415 not subject to review:

1416 (a) establish a state store;
1417 (b) issue authority to act as a package agent or operate a package agency; and
1418 (c) issue, deny, or deem forfeit a license, permit, or certificate of approval.

1419 (3) (a) Subject to Subsection (3)(b), the commission may:

1420 (i) make rules permitting and establishing the parameters of a late license renewal; and

- 1421 (ii) establish a fee, in accordance with Section 63J-1-504, for a late license renewal.
1422 (b) The commission may not allow for the late renewal of a license after the later of:
1423 (i) the tenth day of the month after the month in which the license type is required to be
1424 renewed; or
1425 (ii) if the tenth day of the month after the month in which the license type is required to
1426 be renewed falls on a Saturday, Sunday, or state or federal holiday, the first business day after
1427 the Saturday, Sunday, or holiday.

1428 ~~[(3)]~~ (4) If the commission is authorized or required to make a rule under this title, the
1429 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative
1430 Rulemaking Act.

1431 ~~[(4)]~~ (5) Notwithstanding Subsections (1)(e)(xvi) and (xvii), the director or deputy
1432 director may issue an event permit in accordance with Chapter 9, Event Permit Act.

1433 Section 12. Section **32B-2-203** is amended to read:

1434 **32B-2-203. Department of Alcoholic Beverage Services created.**

1435 (1) There is created the Department of Alcoholic Beverage ~~[Control]~~ Services. The
1436 department is governed by the commission.

1437 (2) The director of alcoholic beverage ~~[control]~~ services appointed under Section
1438 **32B-2-205** shall administer the department.

1439 (3) The director shall allocate the duties within the department into the divisions,
1440 bureaus, sections, offices, and committees as the director considers necessary for the
1441 administration of this title.

1442 (4) The department shall cooperate with any other recognized agency in the
1443 administration of this title and in the enforcement of a policy or rule of the commission or
1444 policy of the director.

1445 Section 13. Section **32B-2-205** is amended to read:

1446 **32B-2-205. Director of alcoholic beverage services.**

1447 (1) (a) In accordance with Subsection (1)(b), the governor, with the advice and consent
1448 of the Senate, shall appoint a director of alcoholic beverage ~~[control]~~ services to a four-year
1449 term. The director may be appointed to more than one four-year term. The director is the
1450 administrative head of the department.

1451 (b) (i) The governor shall appoint the director from nominations made by the

1452 commission.

1453 (ii) The commission shall submit the nomination of three individuals to the governor
1454 for appointment of the director.

1455 (iii) By no later than 30 calendar days from the day on which the governor receives the
1456 three nominations submitted by the commission, the governor may:

1457 (A) appoint the director; or

1458 (B) reject the three nominations.

1459 (iv) If the governor rejects the nominations or fails to take action within the 30-day
1460 period, the commission shall nominate three different individuals from which the governor may
1461 appoint the director or reject the nominations until such time as the governor appoints the
1462 director.

1463 (v) The governor may reappoint the director without seeking nominations from the
1464 commission. Reappointment of a director is subject to the advice and consent of the Senate.

1465 (c) (i) If there is a vacancy in the position of director, during the nomination process
1466 described in Subsection (1)(b), the governor may appoint an interim director for a period of up
1467 to 30 calendar days.

1468 (ii) If a director is not appointed within the 30-day period, the interim director may
1469 continue to serve beyond the 30-day period subject to the advice and consent of the Senate at
1470 the next scheduled time for the Senate giving consent to appointments of the governor.

1471 (iii) Except that if the Senate does not act on the consent to the appointment of the
1472 interim director within 60 days of the end of the initial 30-day period, the interim director may
1473 continue as the interim director.

1474 (d) The director may be terminated by:

1475 (i) the commission by a vote of four commissioners; or

1476 (ii) the governor after consultation with the commission.

1477 (e) The director may not be a commissioner.

1478 (f) The director shall:

1479 (i) be qualified in administration;

1480 (ii) be knowledgeable by experience and training in the field of business management;

1481 and

1482 (iii) possess any other qualification prescribed by the commission.

1483 (2) The governor shall establish the director's compensation within the salary range
1484 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1485 (3) The director shall:

1486 (a) carry out the policies of the commission;

1487 (b) carry out the policies of the department;

1488 (c) fully inform the commission of the operations and administrative activities of the
1489 department; and

1490 (d) assist the commission in the proper discharge of the commission's duties.

1491 Section 14. Section **32B-2-210** is amended to read:

1492 **32B-2-210. Alcoholic Beverage Services Advisory Board.**

1493 (1) There is created within the department an advisory board known as the "Alcoholic
1494 Beverage [~~Control~~] Services Advisory Board."

1495 (2) The advisory board shall consist of eight voting members and one nonvoting
1496 member as follows:

1497 (a) four voting members appointed by the commission:

1498 (i) one of whom represents the retail alcohol industry;

1499 (ii) one of whom represents the wholesale alcohol industry;

1500 (iii) one of whom represents the alcohol manufacturing industry; and

1501 (iv) one of whom represents the restaurant industry;

1502 (b) two voting members appointed by the commission, each of whom represents an
1503 organization that addresses alcohol or drug abuse prevention, alcohol or drug related
1504 enforcement, or alcohol or drug related education;

1505 (c) the director of the Division of Substance Abuse and Mental Health or the director's
1506 designee who serves as a voting member;

1507 (d) the chair of the Utah Substance Use and Mental Health Advisory Council, or the
1508 chair's designee, who serves as a voting member; and

1509 (e) the chair of the commission or the chair's designee from the members of the
1510 commission, who serves as a nonvoting member.

1511 (3) (a) Except as required by Subsection (3)(b), as terms of current voting members of
1512 the advisory board expire, the commission shall appoint each new member or reappointed
1513 member to a four-year term beginning July 1 and ending June 30.

1514 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the
1515 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1516 voting advisory board members are staggered so that approximately half of the advisory board
1517 is appointed every two years.

1518 (c) No two members of the board may be employed by the same company or nonprofit
1519 organization.

1520 (4) (a) When a vacancy occurs in the membership for any reason, the commission shall
1521 appoint a replacement for the unexpired term.

1522 (b) The commission shall terminate the term of a voting advisory board member who
1523 ceases to be representative as designated by the member's original appointment.

1524 (5) The advisory board shall meet as called by the chair for the purpose of advising the
1525 commission and the department, with discussion limited to administrative rules made under
1526 this title.

1527 (6) The chair of the commission or the chair's designee shall serve as the chair of the
1528 advisory board and call the necessary meetings.

1529 (7) (a) Five members of the board constitute a quorum of the board.

1530 (b) An action of the majority when a quorum is present is the action of the board.

1531 (8) The department shall provide staff support to the advisory board.

1532 (9) A member may not receive compensation or benefits for the member's service, but
1533 may receive per diem and travel expenses in accordance with:

1534 (a) Section [63A-3-106](#);

1535 (b) Section [63A-3-107](#); and

1536 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1537 [63A-3-107](#).

1538 Section 15. Section **32B-2-301** is amended to read:

1539 **32B-2-301. State property -- Liquor Control Fund -- Money to be retained by**
1540 **department -- Department building process.**

1541 (1) As used in this section, "base budget" means the same as that term is defined in
1542 legislative rule.

1543 (2) The following are property of the state:

1544 (a) the money received in the administration of this title, except as otherwise provided;

1545 and

1546 (b) property acquired, administered, possessed, or received by the department.

1547 (3) (a) There is created an enterprise fund known as the "Liquor Control Fund."

1548 (b) Except as provided in ~~[Section]~~ Sections 32B-2-304, 32B-2-305, and 32B-2-306,

1549 the department shall deposit the following into the Liquor Control Fund:

1550 (i) money received in the administration of this title; and

1551 (ii) money received from the markup described in Section 32B-2-304~~;~~and.

1552 ~~[(iii) money credited under Subsection (4).]~~

1553 (c) The department may draw from the Liquor Control Fund only to the extent
1554 appropriated by the Legislature or provided by statute.

1555 (d) The net position of the Liquor Control Fund may not fall below zero.

1556 ~~[(4) (a) The department shall deposit 0.125% of the total gross revenue from the sale of
1557 liquor with the state treasurer to be credited to the Liquor Control Fund.]~~

1558 ~~[(b) The department shall deposit 0.27% of the total gross revenue from the sale of
1559 liquor with the state treasurer, as determined by the total gross revenue collected for the fiscal
1560 year two years preceding the fiscal year for which the deposit is made, to be credited to the
1561 Liquor Control Fund.]~~

1562 ~~[(5)]~~ (4) (a) Notwithstanding Subsection (3)(c), the department may draw by warrant
1563 from the Liquor Control Fund without an appropriation for an expenditure that is directly
1564 incurred by the department:

1565 (i) to purchase an alcoholic product;

1566 (ii) to transport an alcoholic product from the supplier to a warehouse of the
1567 department; or

1568 (iii) for variances related to an alcoholic product, including breakage or theft.

1569 (b) If the balance of the Liquor Control Fund is not adequate to cover a warrant that the
1570 department draws against the Liquor Control Fund, to the extent necessary to cover the
1571 warrant, the cash resources of the General Fund may be used.

1572 ~~[(6)]~~ (5) The department's base budget shall include as an appropriation from the
1573 Liquor Control Fund:

1574 (a) credit card related fees paid by the department;

1575 (b) package agency compensation;

1576 (c) the department's costs of shipping and warehousing alcoholic products; and
1577 (d) the amount needed, as the Division of Human Resource Management determines,
1578 to make the median department salary in the previous fiscal year equal the median market
1579 salary in the previous fiscal year for the following positions:

- 1580 (i) state store manager or equivalent;
- 1581 (ii) state store assistant manager or equivalent;
- 1582 (iii) full-time sales clerk at a state store or equivalent;
- 1583 (iv) part-time sales clerk at a state store or equivalent;
- 1584 (v) department warehouse manager or equivalent;
- 1585 (vi) department warehouse assistant manager or equivalent;
- 1586 (vii) full-time department warehouse worker or equivalent; and
- 1587 (viii) part-time department warehouse worker or equivalent.

1588 [~~7~~] (6) (a) The Division of Finance shall transfer annually from the Liquor Control
1589 Fund to the General Fund a sum equal to the amount of net profit earned from the sale of liquor
1590 since the preceding transfer of money under this Subsection [~~7~~] (6).

1591 (b) After each fiscal year, the Division of Finance shall calculate the amount for the
1592 transfer on or before September 1 and the Division of Finance shall make the transfer on or
1593 before September 30.

1594 (c) The Division of Finance may make year-end closing entries in the Liquor Control
1595 Fund to comply with Subsection [51-5-6\(2\)](#).

1596 [~~8~~] (7) (a) By the end of each day, the department shall:

- 1597 (i) make a deposit to a qualified depository, as defined in Section [51-7-3](#); and
- 1598 (ii) report the deposit to the state treasurer.

1599 (b) A commissioner or department employee is not personally liable for a loss caused
1600 by the default or failure of a qualified depository.

1601 (c) Money deposited in a qualified depository is entitled to the same priority of
1602 payment as other public funds of the state.

1603 [~~9~~] (8) Before the Division of Finance makes the transfer described in Subsection
1604 [~~7~~] (6), the department may retain each fiscal year from the Liquor Control Fund \$1,000,000
1605 that the department may use for:

- 1606 (a) capital equipment purchases;

- 1607 (b) salary increases for department employees;
- 1608 (c) performance awards for department employees; or
- 1609 (d) information technology enhancements because of changes or trends in technology.

1610 Section 16. Section **32B-2-304** is amended to read:

1611 **32B-2-304. Liquor price -- School lunch program -- Remittance of markup.**

1612 (1) For purposes of this section:

1613 (a) (i) "Landed case cost" means:

1614 (A) the cost of the product; and

1615 (B) inbound shipping costs incurred by the department.

1616 (ii) "Landed case cost" does not include the outbound shipping cost from a warehouse
1617 of the department to a state store.

1618 (b) "Proof gallon" means the same as that term is defined in 26 U.S.C. Sec. 5002.

1619 (2) Except as provided in Subsections (3) and (4):

1620 (a) spirituous liquor sold by the department within the state shall be marked up in an
1621 amount not less than 88% above the landed case cost to the department;

1622 (b) wine sold by the department within the state shall be marked up in an amount not
1623 less than 88% above the landed case cost to the department;

1624 (c) heavy beer sold by the department within the state shall be marked up in an amount
1625 not less than 66.5% above the landed case cost to the department; and

1626 (d) a flavored malt beverage sold by the department within the state shall be marked up
1627 in an amount not less than 88% above the landed case cost to the department.

1628 (3) (a) Liquor sold by the department to a military installation in Utah shall be marked
1629 up in an amount not less than 17% above the landed case cost to the department.

1630 (b) Except for spirituous liquor sold by the department to a military installation in
1631 Utah, spirituous liquor that is sold by the department within the state shall be marked up 49%
1632 above the landed case cost to the department if:

1633 (i) the spirituous liquor is manufactured by a manufacturer producing less than 30,000
1634 proof gallons of spirituous liquor in a calendar year; and

1635 (ii) the manufacturer applies to the department for a reduced markup.

1636 (c) Except for wine sold by the department to a military installation in Utah, wine that
1637 is sold by the department within the state shall be marked up 49% above the landed case cost to

1638 the department if:

1639 (i) (A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a
1640 manufacturer producing less than 20,000 gallons of wine in a calendar year; or

1641 (B) for hard cider, the hard cider is manufactured by a manufacturer producing less
1642 than 620,000 gallons of hard cider in a calendar year; and

1643 (ii) the manufacturer applies to the department for a reduced markup.

1644 (d) Except for heavy beer sold by the department to a military installation in Utah,
1645 heavy beer that is sold by the department within the state shall be marked up 32% above the
1646 landed case cost to the department if:

1647 (i) a small brewer manufactures the heavy beer; and

1648 (ii) the small brewer applies to the department for a reduced markup.

1649 (e) The department shall:

1650 (i) for purposes of Subsections (3)(b) and (c), calculate the production amount of a
1651 manufacturer:

1652 (A) by, if the manufacturer is part of a controlled group of manufacturers, including the
1653 combined volume totals of spirituous liquor, wine, or cider, as applicable, for all manufacturers
1654 that constitute the controlled group of manufacturers; and

1655 (B) without considering the manufacturer's production of any other type of alcoholic
1656 product; and

1657 (ii) verify [am] that a manufacturer meets a production amount described in Subsection
1658 (3)(b)[, (c), or (d)] or (c) and the production amount of a small brewer pursuant to a federal or
1659 other verifiable production report.

1660 [~~(f) For purposes of determining whether an alcoholic product qualifies for a markup~~
1661 ~~under this Subsection (3), the department shall evaluate whether the manufacturer satisfies the~~
1662 ~~applicable production requirement without considering the manufacturer's production of any~~
1663 ~~other type of alcoholic product.]~~

1664 (f) A manufacturer seeking to obtain a reduced markup under Subsection (3)(b), (c), or
1665 (d), shall provide to the department any documentation or information the department
1666 determines necessary to determine if the manufacturer is part of a controlled group of
1667 manufacturers.

1668 (g) The department may, at any time, revoke a reduced markup granted to a

1669 manufacturer under Subsection (3)(b), (c), or (d), if the department determines the
1670 manufacturer no longer qualifies for the reduced markup.

1671 (4) Wine the department purchases on behalf of a subscriber through the wine
1672 subscription program established in Section 32B-2-702 shall be marked up not less than 88%
1673 above the cost of the subscription for the interval in which the wine is purchased.

1674 (5) The department shall deposit 10% of the total gross revenue from sales of liquor
1675 with the state treasurer to be credited to the Uniform School Fund and used to support the
1676 school meals program administered by the State Board of Education under Section 53E-3-510.

1677 (6) This section does not prohibit the department from selling discontinued items at a
1678 discount.

1679 Section 17. Section 32B-2-602 is amended to read:

1680 **32B-2-602. Application and renewal requirements for a package agency.**

1681 (1) Before a person may store, sell, offer for sale, or furnish liquor in a sealed container
1682 on its premises under a package agency, the person shall first obtain a package agency issued
1683 by the commission in accordance with this part.

1684 (2) To obtain a package agency, a person seeking to be the package agent under this
1685 part shall submit to the department:

1686 (a) a written application in a form prescribed by the department;

1687 (b) a nonrefundable application fee of \$125;

1688 (c) written consent of the local authority;

1689 (d) evidence of proximity to any community location, with proximity requirements
1690 being governed by Section 32B-1-202;

1691 (e) a bond as specified by Section 32B-2-604;

1692 (f) a floor plan of the premises, including a description and highlighting of that part of
1693 the premises in which the person proposes that the package agency be located;

1694 (g) evidence that the package agency is carrying public liability insurance in an amount
1695 and form satisfactory to the department;

1696 (h) a signed consent form stating that the package agent permits any authorized
1697 representative of the commission, department, or any law enforcement officer to have
1698 unrestricted right to enter the premises of the package agency;

1699 (i) if the person applying is an entity, verification that a person who signs the package

1700 agency application is authorized to sign on behalf of the entity; and

1701 (j) any other information the commission or department may require.

1702 (3) The commission may not issue a package agency to a person who is disqualified
1703 under Section [32B-1-304](#).

1704 (4) The commission may not issue a package agency for premises that do not meet the
1705 proximity requirements of Section [32B-1-202](#).

1706 (5) For the renewal of a package agency agreement, the package agent shall submit to
1707 the department any information the commission or department may require.

1708 Section 18. Section **32B-2-605** is amended to read:

1709 **32B-2-605. Operational requirements for package agency.**

1710 (1) (a) A person may not operate a package agency until a package agency agreement is
1711 entered into by the package agent and the department.

1712 (b) A package agency agreement shall state the conditions of operation by which the
1713 package agent and the department are bound.

1714 (c) (i) If a package agent or staff of the package agent violates this title, rules under this
1715 title, or the package agency agreement, the department may take any action against the package
1716 agent that is allowed by the package agency agreement.

1717 (ii) An action against a package agent is governed solely by its package agency
1718 agreement and may include suspension or revocation of the package agency.

1719 (iii) A package agency agreement shall provide procedures to be followed if a package
1720 agent fails to pay money owed to the department including a procedure for replacing the
1721 package agent or operator of the package agency.

1722 (iv) A package agency agreement shall provide that the package agency is subject to
1723 covert investigations for selling an alcoholic product to a minor.

1724 (v) Notwithstanding that this part refers to "package agency" or "package agent," staff
1725 of the package agency or package agent is subject to the same requirement or prohibition.

1726 (2) (a) A package agency shall be operated by an individual who is either:

1727 (i) the package agent; or

1728 (ii) an individual designated by the package agent.

1729 (b) An individual who is a designee under this Subsection (2) shall be:

1730 (i) an employee of the package agent; and

- 1731 (ii) responsible for the operation of the package agency.
- 1732 (c) The conduct of the designee is attributable to the package agent.
- 1733 (d) A package agent shall submit the name of the person operating the package agency
1734 to the department for the department's approval.
- 1735 (e) A package agent shall state the name and title of a designee on the application for a
1736 package agency.
- 1737 (f) A package agent shall:
- 1738 (i) inform the department of a proposed change in the individual designated to operate
1739 a package agency; and
- 1740 (ii) receive prior approval from the department before implementing the change
1741 described in this Subsection (2)(f).
- 1742 (g) Failure to comply with the requirements of this Subsection (2) may result in the
1743 immediate termination of a package agency agreement.
- 1744 (3) (a) A package agent shall display in a prominent place in the package agency the
1745 record issued by the commission that designates the package agency.
- 1746 (b) A package agent that displays or stores liquor at a location visible to the public
1747 shall display in a prominent place in the package agency a sign in large letters that consists of
1748 text in the following order:
- 1749 (i) a header that reads: "WARNING";
- 1750 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
1751 can cause birth defects and permanent brain damage for the child.";
- 1752 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at
1753 [insert most current toll-free number] with questions or for more information.";
- 1754 (iv) a header that reads: "WARNING"; and
- 1755 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a
1756 serious crime that is prosecuted aggressively in Utah."
- 1757 (c) (i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
1758 font style than the text described in Subsections (3)(b)(iv) and (v).
- 1759 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
1760 same font size.
- 1761 (d) The Department of Health shall work with the commission and department to

1762 facilitate consistency in the format of a sign required under this section.

1763 (4) A package agency may not display liquor or a price list in a window or showcase
1764 that is visible to passersby.

1765 (5) (a) A package agency may not purchase liquor from a person except from the
1766 department.

1767 (b) At the discretion of the department, the department may provide liquor to a package
1768 agency for sale on consignment.

1769 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place
1770 other than as designated in the package agent's application, unless the package agent first
1771 applies for and receives approval from the department for a change of location within the
1772 package agency premises.

1773 (7) (a) Except as provided in Subsection (7)(b), a package agency may not sell, offer for
1774 sale, or furnish liquor except at a price fixed by the commission.

1775 (b) A package agency may provide as room service one alcoholic product free of
1776 charge per guest reservation, per guest room, if:

1777 (i) the package agency is the type of package agency that authorizes the package
1778 agency to sell, offer for sale, or furnish an alcoholic product as part of room service;

1779 (ii) staff of the package agency provides the alcoholic product:

1780 (A) in person; and

1781 (B) only to an adult guest in the guest room;

1782 (iii) staff of the package agency does not leave the alcoholic product outside a guest
1783 room for retrieval by a guest; and

1784 (iv) the alcoholic product:

1785 (A) is not a spirituous liquor; and

1786 (B) is in an unopened container not to exceed 750 milliliters.

1787 (8) A package agency may not sell, offer for sale, or furnish liquor to:

1788 (a) a minor;

1789 (b) a person actually, apparently, or obviously intoxicated;

1790 (c) a known interdicted person; or

1791 (d) a known habitual drunkard.

1792 (9) (a) A package agency may not employ a minor to handle liquor.

- 1793 (b) (i) Staff of a package agency may not:
1794 (A) consume an alcoholic product on the premises of a package agency; or
1795 (B) allow any person to consume an alcoholic product on the premises of a package
1796 agency.
- 1797 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.
- 1798 (10) (a) A package agency may not close or cease operation for a period longer than 72
1799 hours, unless:
- 1800 (i) the package agency notifies the department in writing at least seven days before the
1801 day on which the package agency closes or ceases operation; and
- 1802 (ii) the closure or cessation of operation is first approved by the department.
- 1803 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package
1804 agency shall immediately notify the department by telephone.
- 1805 (c) (i) The department may authorize a closure or cessation of operation for a period
1806 not to exceed 60 days.
- 1807 (ii) The department may extend the initial period described in Subsection (10)(c)(i) an
1808 additional 30 days upon written request of the package agency and upon a showing of good
1809 cause.
- 1810 (iii) A closure or cessation of operation may not exceed a total of 90 days without
1811 commission approval.
- 1812 (d) The notice required by Subsection (10)(a) shall include:
- 1813 (i) the dates of closure or cessation of operation;
- 1814 (ii) the reason for the closure or cessation of operation; and
- 1815 (iii) the date on which the package agency will reopen or resume operation.
- 1816 (e) Failure of a package agency to provide notice and to obtain department
1817 authorization before closure or cessation of operation results in an automatic termination of the
1818 package agency agreement effective immediately.
- 1819 (f) Failure of a package agency to reopen or resume operation by the approved date
1820 results in an automatic termination of the package agency agreement effective on that date.
- 1821 (11) A package agency may not transfer the package agency's operations from one
1822 location to another location without prior written approval of the commission.
- 1823 (12) (a) A person, having been issued a package agency, may not sell, transfer, assign,

1824 exchange, barter, give, or attempt in any way to dispose of the package agency to another
1825 person, whether for monetary gain or not.

1826 (b) A package agency has no monetary value for any type of disposition.

1827 (13) (a) Subject to the other provisions of this Subsection (13):

1828 (i) sale or delivery of liquor may not be made on or from the premises of a package
1829 agency, and a package agency may not be kept open for the sale of liquor:

1830 (A) on Sunday; or

1831 (B) on a state or federal legal holiday; and

1832 (ii) sale or delivery of liquor may be made on or from the premises of a package agency,
1833 and a package agency may be open for the sale of liquor, only on a day and during hours that
1834 the commission directs by rule or order.

1835 (b) A package agency located at a manufacturing facility is not subject to Subsection
1836 (13)(a) if:

1837 (i) the package agency is located at a manufacturing facility licensed in accordance
1838 with Chapter 11, Manufacturing and Related Licenses Act; and

1839 [~~(ii) the manufacturing facility licensed in accordance with Chapter 11, Manufacturing
1840 and Related Licenses Act, holds:~~]

1841 [~~(A) a full-service restaurant license;~~]

1842 [~~(B) a limited-service restaurant license;~~]

1843 [~~(C) a beer-only restaurant license;~~]

1844 [~~(D) a dining club license; or]~~

1845 [~~(E) a bar license;~~]

1846 [~~(iii) the restaurant, dining club, or bar is located at the manufacturing facility;~~]

1847 [~~(iv) the restaurant, dining club, or bar sells an alcoholic product produced at the
1848 manufacturing facility;~~]

1849 [~~(v) the manufacturing facility;~~]

1850 [~~(A) owns the restaurant, dining club, or bar; or]~~

1851 [~~(B) operates the restaurant, dining club, or bar;~~]

1852 [~~(vi) (ii) the package agency only sells an alcoholic product produced at the
1853 manufacturing facility;~~ and].

1854 [~~(vii) the package agency's days and hours of sale are the same as the days and hours of~~

1855 ~~sale at the restaurant, dining club, or bar.]~~

1856 (c) (i) Subsection (13)(a) does not apply to a package agency held by the following if
1857 the package agent that holds the package agency to sell liquor at a resort or hotel does not sell
1858 liquor in a manner similar to a state store:

1859 (A) a resort licensee; or

1860 (B) a hotel licensee.

1861 (ii) The commission may by rule define what constitutes a package agency that sells
1862 liquor "in a manner similar to a state store."

1863 (14) (a) Except to the extent authorized by commission rule, a minor may not be
1864 admitted into, or be on the premises of, a package agency unless accompanied by a person who
1865 is:

1866 (i) 21 years [~~of age~~] old or older; and

1867 (ii) the minor's parent, legal guardian, or spouse.

1868 (b) A package agent or staff of a package agency that has reason to believe that a
1869 person who is on the premises of a package agency is under [~~the age of~~] 21 years old and is not
1870 accompanied by a person described in Subsection (14)(a) may:

1871 (i) ask the suspected minor for proof of age;

1872 (ii) ask the person who accompanies the suspected minor for proof of age; and

1873 (iii) ask the suspected minor or the person who accompanies the suspected minor for
1874 proof of parental, guardianship, or spousal relationship.

1875 (c) A package agent or staff of a package agency shall refuse to sell liquor to the
1876 suspected minor and to the person who accompanies the suspected minor into the package
1877 agency if the minor or person fails to provide any information specified in Subsection (14)(b).

1878 (d) A package agent or staff of a package agency shall require the suspected minor and
1879 the person who accompanies the suspected minor into the package agency to immediately leave
1880 the premises of the package agency if the minor or person fails to provide information specified
1881 in Subsection (14)(b).

1882 (15) (a) A package agency shall sell, offer for sale, or furnish liquor in a sealed
1883 container.

1884 (b) A person may not open a sealed container on the premises of a package agency.

1885 (c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or

1886 furnish liquor in other than a sealed container:

1887 (i) if the package agency is the type of package agency that authorizes the package
1888 agency to sell, offer for sale, or furnish the liquor as part of room service;

1889 (ii) if the liquor is sold, offered for sale, or furnished as part of room service; and

1890 (iii) subject to:

1891 (A) staff of the package agency providing the liquor in person only to an adult guest in
1892 the guest room or privately owned dwelling unit;

1893 (B) staff of the package agency not leaving the liquor outside a guest room or privately
1894 owned dwelling unit for retrieval by a guest or resident; and

1895 (C) the same limits on the portions in which an alcoholic product may be sold by a
1896 retail licensee under Section [32B-5-304](#).

1897 (16) A package agency may not sell, offer for sale, or furnish heavy beer in a sealed
1898 container that exceeds two liters.

1899 (17) The department may pay or otherwise remunerate a package agent on any basis,
1900 including sales or volume of business done by the package agency.

1901 (18) The commission may prescribe by policy or rule general operational requirements
1902 of a package agency that are consistent with this title and relate to:

1903 (a) physical facilities;

1904 (b) conditions of operation;

1905 (c) hours of operation;

1906 (d) inventory levels;

1907 (e) payment schedules;

1908 (f) methods of payment;

1909 (g) premises security; and

1910 (h) any other matter considered appropriate by the commission.

1911 (19) A package agency may not maintain a minibar.

1912 Section 19. Section **32B-3-202** is amended to read:

1913 **32B-3-202. Timing of reporting violations.**

1914 (1) The department or the commission may not take administrative action against a
1915 person subject to administrative action before:

1916 (a) a nondepartment enforcement agency or enforcement officer or a department

1917 compliance officer submits to the department a report:

1918 (i) containing facts that could support a finding that the person subject to
1919 administrative action violated this title or a commission rule; and

1920 (ii) no more than eight business days after the day on which the nondepartment
1921 enforcement agency or officer or the compliance officer completes the investigation containing
1922 the facts described in Subsection (1)(a)(i); and

1923 (b) subject to Subsection (5), the department notifies the person subject to
1924 administrative action, no more than eight business days after the day on which the department
1925 receives the report described in Subsection (1)(a), that the commission or department:

1926 (i) received the report described in Subsection (1)(a); and

1927 (ii) may initiate or maintain a disciplinary proceeding on the basis, in whole or in part,
1928 on the facts contained in the report described in Subsection (1)(a).

1929 (2) (a) The department may provide the notice required under this section orally, if after
1930 the oral notification the department provides written notification.

1931 (b) The department may provide the written notification described in Subsection (2)(a)
1932 outside the time periods required under this section.

1933 (3) The department shall maintain a record of a notification required under this section
1934 that includes:

1935 (a) the name of the person notified;

1936 (b) the date of the notification; and

1937 (c) the type of notification given.

1938 (4) (a) The department may issue an order to show cause if the department receives a
1939 report described in Subsection (1)(a), containing facts that could support a finding that the
1940 person subject to administrative action violated:

1941 (i) this title regarding necessary licensing requirements; or

1942 (ii) a commission rule regarding necessary licensing requirements.

1943 (b) A necessary licensing requirement described in Subsection (4)(a) includes:

1944 (i) maintaining an approved, licensed premise;

1945 (ii) maintaining insurance;

1946 (iii) maintaining a bond;

1947 (iv) following the requirements in Section [32B-1-304](#), regarding qualifications;

- 1948 (v) maintaining required store hours;
- 1949 (vi) failing to utilize the license issued; or
- 1950 (vii) transferring a license in violation of [~~Chapter 8a, Transfer of Alcohol License Act~~]
- 1951 Chapter 18, Change of Alcohol License or Location Act.

1952 (c) The department's issuance of an order to show cause in accordance with this

1953 Subsection (4):

- 1954 (i) does not initiate a disciplinary proceeding; and
- 1955 (ii) is not subject to Title 63G, Chapter 4, Administrative Procedures Act.
- 1956 (5) The department is not required to provide notice as described in Subsection (1)(b)
- 1957 if the person subject to administrative action is staff.

1958 Section 20. Section **32B-3-205** is amended to read:

1959 **32B-3-205. Penalties.**

1960 (1) If the commission is satisfied that a person subject to administrative action violates

1961 this title or the commission's rules, in accordance with Title 63G, Chapter 4, Administrative

1962 Procedures Act, the commission may:

- 1963 (a) suspend or revoke the person's license, permit, or certificate of approval;
- 1964 (b) subject to Subsection (2), impose a fine against the person, including individual
- 1965 staff of a licensee, permittee, or certificate holder;
- 1966 (c) assess the administrative costs of a disciplinary proceeding to the person if the
- 1967 person is a licensee, permittee, or certificate holder; or
- 1968 (d) take a combination of actions described in this Subsection (1).

1969 (2) (a) A fine imposed may not exceed \$25,000 in the aggregate for:

- 1970 (i) a single notice of agency action; or
- 1971 (ii) a single action against a package agency.
- 1972 (b) The commission shall by rule establish a schedule setting forth a range of fines for
- 1973 each violation.

1974 (c) When a presiding officer imposes a fine, the presiding officer shall consider any

1975 aggravating circumstances or mitigating circumstances in deciding where within the applicable

1976 range to set the fine.

1977 (3) The department shall transfer the costs assessed under this section into the General

1978 Fund in accordance with Section [32B-2-301](#).

1979 (4) (a) If a license or permit is suspended under this section, the licensee or permittee
1980 shall prominently display a sign provided by the department:

1981 (i) during the suspension; and

1982 (ii) at the entrance of the premises of the licensee or permittee.

1983 (b) The sign required by this Subsection (4) shall:

1984 (i) read "The Utah Alcoholic Beverage [~~Control~~] Services Commission has suspended
1985 the alcoholic product license or permit of this establishment. An alcoholic product may not be
1986 sold, offered for sale, furnished, or consumed on these premises during the period of
1987 suspension."; and

1988 (ii) include the dates of the suspension period.

1989 (c) A licensee or permittee may not remove, alter, obscure, or destroy a sign required to
1990 be displayed under this Subsection (4) during the suspension period.

1991 (5) (a) If a license or permit is revoked, the commission may order the revocation of a
1992 bond posted by the licensee or permittee under this title.

1993 (b) Notwithstanding Subsection (5)(a), the department may make a claim against a
1994 bond posted by a licensee or permittee for money owed the department under this title without
1995 the commission first revoking the license or permit.

1996 (6) A licensee or permittee whose license or permit is revoked may not reapply for a
1997 license or permit under this title for three years from the date on which the license or permit is
1998 revoked.

1999 (7) If a staff member of a licensee, permittee, or certificate holder is found to have
2000 violated this title, in addition to imposing another penalty authorized by this title, the
2001 commission may prohibit the staff member from handling, selling, furnishing, distributing,
2002 manufacturing, wholesaling, or warehousing an alcoholic product in the course of acting as
2003 staff with a licensee, permittee, or certificate holder under this title for a period determined by
2004 the commission.

2005 (8) (a) If the commission makes the finding described in Subsection (8)(b), in addition
2006 to other penalties prescribed by this title, the commission may order:

2007 (i) the removal of an alcoholic product of the manufacturer's, supplier's, or importer's
2008 from the department's sales list; and

2009 (ii) a suspension of the department's purchase of an alcoholic product described in

2010 Subsection (8)(a)(i) for a period determined by the commission.

2011 (b) The commission may take the action described in Subsection (8)(a) if:

2012 (i) a manufacturer, supplier, or importer of liquor or its staff or representative violates

2013 this title; and

2014 (ii) the manufacturer, supplier, or importer:

2015 (A) directly commits the violation; or

2016 (B) solicits, requests, commands, encourages, or intentionally aids another to engage in

2017 the violation.

2018 (9) If the commission makes a finding that the brewer holding a certificate of approval

2019 violates this title or rules of the commission, the commission may take an action against the

2020 brewer holding a certificate of approval that the commission could take against a licensee

2021 including:

2022 (a) suspension or revocation of the certificate of approval; and

2023 (b) imposition of a fine.

2024 (10) Notwithstanding the other provisions of this title, the commission may not order a

2025 disciplinary action or fine in accordance with this section if the disciplinary action or fine is

2026 ordered on the basis of a violation:

2027 (a) of a provision in this title related to intoxication or becoming intoxicated; and

2028 (b) if the violation is first investigated by a law enforcement officer, as defined in

2029 Section [53-13-103](#), who has not received training regarding the requirements of this title

2030 related to responsible alcoholic product sale or service.

2031 (11) The commission shall expunge each record that relates to an individual's violation

2032 of a provision of this title, if the individual does not violate a provision of this title for a period

2033 of 36 consecutive months from the day on which the individual's last violation was adjudicated.

2034 Section 21. Section **32B-4-403** is amended to read:

2035 **32B-4-403. Unlawful sale, offer for sale, or furnishing to minor.**

2036 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a minor.

2037 (2) (a) (i) Except as provided in Subsection (3), a person is guilty of a class B

2038 misdemeanor if the person who violates Subsection (1) negligently or recklessly fails to

2039 determine whether the recipient of the alcoholic product is a minor.

2040 (ii) As used in this Subsection (2)(a), "negligently" means with simple negligence.

2041 (b) Except as provided in Subsection (3), a person is guilty of a class A misdemeanor if
2042 the person who violates Subsection (1) knows the [purchaser] recipient of the alcoholic product
2043 is a minor.

2044 (3) This section does not apply to the furnishing of an alcoholic product to a minor in
2045 accordance with this title:

2046 (a) for medicinal purposes by:

2047 (i) the parent or guardian of the minor; or

2048 (ii) the health care practitioner of the minor, if the health care practitioner is authorized

2049 by law to write a prescription; or

2050 (b) as part of a religious organization's religious services.

2051 Section 22. Section **32B-4-415** is amended to read:

2052 **32B-4-415. Unlawful bringing onto premises for consumption.**

2053 (1) Except as provided in Subsection (4) and Section **32B-5-307**, a person may not
2054 bring an alcoholic product for on-premise consumption onto the premises of:

2055 (a) a retail licensee or person required to be licensed under this title as a retail licensee;

2056 (b) an establishment that conducts a business similar to a retail licensee;

2057 (c) an event where an alcoholic product is sold, offered for sale, or furnished under a
2058 single event permit or temporary beer event permit issued under this title;

2059 (d) an establishment open to the general public; or

2060 (e) the capitol hill complex.

2061 (2) Except as provided in Subsection (4) and Section **32B-5-307**, the following may
2062 not allow a person to bring onto its premises an alcoholic product for on-premise consumption
2063 or allow consumption of an alcoholic product brought onto its premises in violation of this
2064 section:

2065 (a) a retail licensee or a person required to be licensed under this title as a retail
2066 licensee;

2067 (b) an establishment that conducts a business similar to a retail licensee;

2068 (c) a single event permittee or temporary beer event permittee;

2069 (d) an establishment open to the general public;

2070 (e) the State Capitol Preservation Board created in Section **63C-9-201**; or

2071 (f) staff of a person listed in Subsections (2)(a) through (e).

2072 (3) Except as provided in Subsection (4)(c)(i)(A), a person may not consume an
2073 alcoholic product in a limousine or chartered bus if the limousine or chartered bus drops off a
2074 passenger at:

2075 (a) a location from which the passenger departs in a private vehicle; or

2076 (b) the capitol hill complex.

2077 (4) (a) A person may bring bottled wine onto the premises of the following and
2078 consume the wine pursuant to Section [32B-5-307](#):

2079 (i) a full-service restaurant licensee;

2080 (ii) a limited restaurant licensee;

2081 (iii) a bar establishment licensee; or

2082 (iv) a person operating under a [~~resort~~] spa sublicense.

2083 (b) A passenger of a limousine may bring onto, possess, and consume an alcoholic
2084 product in the limousine if:

2085 (i) the travel of the limousine begins and ends at:

2086 (A) the residence of the passenger;

2087 (B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or

2088 (C) the temporary domicile of the passenger;

2089 (ii) the driver of the limousine is separated from the passengers by partition or other
2090 means approved by the department; and

2091 (iii) the limousine is not located on the capitol hill complex.

2092 (c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic
2093 product on the chartered bus:

2094 (i) (A) but may consume only during travel to a specified destination of the chartered
2095 bus and not during travel back to the place where the travel begins; or

2096 (B) if the travel of the chartered bus begins and ends at:

2097 (I) the residence of the passenger;

2098 (II) the hotel of the passenger, if the passenger is a registered guest of the hotel; or

2099 (III) the temporary domicile of the passenger;

2100 (ii) if the chartered bus has a nondrinking designee other than the driver traveling on
2101 the chartered bus to monitor consumption; and

2102 (iii) if the chartered bus is not located on the capitol hill complex.

2103 (5) A person may bring onto any premises, possess, and consume an alcoholic product
2104 at a private event.

2105 (6) Notwithstanding Subsection (5), private and public facilities may prohibit the
2106 possession or consumption of alcohol on their premises.

2107 (7) The restrictions of Subsections (2) and (3) apply to a resort licensee or hotel
2108 licensee or person operating under a sublicense in relationship to:

2109 (a) the boundary of a resort building, as defined in Section 32B-8-102, or the boundary
2110 of a hotel, as defined in Section 32B-8b-102, in an area that is open to the public; or

2111 (b) except as provided in Subsection (4), sublicensed premises.

2112 Section 23. Section 32B-5-102 is amended to read:

2113 **32B-5-102. Definitions.**

2114 [~~As used in this chapter:~~]

2115 [~~(1) "Interim alcoholic beverage management agreement" means an agreement:~~]

2116 [~~(a) in connection with:~~]

2117 [~~(i) the transfer of a retail license; and]~~

2118 [~~(ii) (A) an asset sale of a retail licensee; or]~~

2119 [~~(B) a transfer of the management of a retail licensee to a new entity; and]~~

2120 [~~(b) under which the purchaser or the new management entity agrees to perform the
2121 operations of the retail licensee during the period that:]~~

2122 [~~(i) begins when:~~]

2123 [~~(A) the asset sale closes; or]~~

2124 [~~(B) the new management agreement is executed; and]~~

2125 [~~(ii) ends on the day after the day on which the commission approves the transfer of the
2126 retail license.]~~

2127 [~~(2) "Inventory transfer agreement" means an agreement under which a retail licensee
2128 agrees to sell or otherwise transfer all or part of the retail licensee's inventory of alcoholic
2129 product.]~~

2130 Reserved.

2131 Section 24. Section 32B-5-201 is amended to read:

2132 **32B-5-201. Application requirements for retail license.**

2133 (1) (a) Before a person may store, sell, offer for sale, furnish, or permit consumption of

2134 an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a
2135 retail license issued by the commission, notwithstanding whether the person holds a local
2136 license or a permit issued by a local authority.

2137 (b) Violation of this Subsection (1) is a class B misdemeanor.

2138 (2) To obtain a retail license under this title, a person shall submit to the department:

2139 (a) a written application in a form prescribed by the department;

2140 (b) a nonrefundable application fee in the amount specified in the relevant chapter or
2141 part for the type of retail license for which the person is applying;

2142 (c) an initial license fee:

2143 (i) in the amount specified in the relevant chapter or part for the type of retail license
2144 for which the person is applying; and

2145 (ii) that is refundable if a retail license is not issued;

2146 (d) written consent of the local authority, including, if applicable, consent for each
2147 proposed sublicense;

2148 (e) a copy of:

2149 (i) every license the local authority requires, including the person's current business
2150 license; and

2151 (ii) if the person is applying for a principal license, the current business license for each
2152 proposed sublicense, except if the [~~relevant political subdivision~~] local authority determines
2153 that the business license for a proposed sublicense is included in the person's current business
2154 license;

2155 (f) evidence of the proposed retail licensee's proximity to any community location, with
2156 proximity requirements being governed by Section [32B-1-202](#);

2157 (g) a bond as specified by Section [32B-5-204](#);

2158 (h) a floor plan, and boundary map where applicable, of the premises of the retail
2159 license and each, if any, accompanying sublicense, including any:

2160 (i) consumption area; and

2161 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
2162 beverage;

2163 (i) evidence that the retail licensee carries public liability insurance in an amount and
2164 form satisfactory to the department;

- 2165 (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
2166 (i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
2167 (ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per
2168 occurrence and \$2,000,000 in the aggregate to cover both the principal license and all
2169 accompanying sublicenses; or
2170 (iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and
2171 \$20,000,000 in the aggregate to cover both the arena license and all accompanying sublicenses.
2172 (k) a signed consent form stating that the retail licensee will permit any authorized
2173 representative of the commission, department, or any law enforcement officer to have
2174 unrestricted right to enter:
2175 (i) the premises of the retail licensee; and
2176 (ii) if applicable, the premises of each of the retail licensee's accompanying
2177 sublicenses;
2178 (l) if the person is an entity, proper verification evidencing that a person who signs the
2179 application is authorized to sign on behalf of the entity;
2180 (m) a responsible alcohol service plan; ~~and~~
2181 (n) evidence that each individual the person has hired to work as a retail manager, as
2182 defined in Section 32B-1-701, has completed the alcohol training and education seminar as
2183 required under Chapter 1, Part 7, Alcohol Training and Education Act; and
2184 ~~(n)~~ (o) any other information the commission or department may require.
2185 (3) The commission may not issue a retail license to a person who:
2186 (a) is disqualified under Section 32B-1-304; or
2187 (b) is not lawfully present in the United States.
2188 (4) Unless otherwise provided in the relevant chapter or part for the type of retail
2189 license for which the person is applying, the commission may not issue a retail license to a
2190 person if the proposed licensed premises does not meet the proximity requirements of Section
2191 32B-1-202.
2192 Section 25. Section 32B-5-202 is amended to read:
2193 **32B-5-202. Renewal requirements.**
2194 (1) A retail license expires each year on the day specified in the relevant chapter or part
2195 for that type of retail license.

2196 (2) (a) To renew a person's retail license, a retail licensee shall, on or before the day
 2197 specified in the relevant chapter or part for the type of retail license that the person seeks to
 2198 renew, submit:

2199 (i) a completed renewal application in a form prescribed by the department;

2200 (ii) a renewal fee in the amount specified in the relevant chapter or part for the type of
 2201 retail license that the person seeks to renew; and

2202 (iii) a responsible alcohol service plan if, since the retail licensee's most recent
 2203 application or renewal, the retail licensee:

2204 (A) made substantial changes to the retail licensee's responsible alcohol service plan;

2205 or

2206 (B) violated a provision of this chapter.

2207 [~~(b) (i) Except as provided for in Subsection (2)(b)(ii), a retail licensee shall fulfill the~~
 2208 ~~renewal requirements under Subsection (2)(a) on or before the day specified in the relevant~~
 2209 ~~chapter or part for the type of retail license that the person seeks to renew.]~~

2210 [~~(ii) The commission may:~~

2211 [~~(A) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative~~
 2212 ~~Rulemaking Act, permitting and establishing the parameters of late retail license renewals; and]~~

2213 [~~(B) establish a fee, in accordance with Section [63J-1-504](#), for late retail license~~
 2214 ~~renewals.]~~

2215 [~~(c)~~] (b) The department may audit a retail licensee's responsible alcohol service plan.

2216 (3) Failure to meet the renewal requirements results in an automatic forfeiture of the
 2217 retail license effective on the day on which the existing retail license expires.

2218 Section 26. Section **32B-5-205** is amended to read:

2219 **32B-5-205. Conditional retail license.**

2220 (1) As used in this section:

2221 (a) "Conditional retail license" means a retail license that:

2222 (i) conditions the holder's ability to [~~sell, offer for sale, furnish, or allow the~~
 2223 ~~consumption of an alcoholic product on its licensed premises]~~ obtain a valid retail license on
 2224 the person submitting to the department;

2225 (A) a copy of every license or permit the local authority requires for the valid retail
 2226 license, including the holder's current business license [~~before obtaining a valid retail license;~~

2227 and];

2228 (B) a bond;

2229 (C) evidence that the person carries public liability insurance;

2230 (D) evidence that the person carries dramshop insurance;

2231 (E) evidence that each individual the conditional retail licensee has hired to work as a

2232 retail manager, as defined in Section 32B-1-701, has completed the alcohol training and

2233 education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; or

2234 (F) any other information the department or commission may require for licensure; and

2235 (ii) provides that the holder will be issued a valid retail license if the holder complies
2236 with the requirements of Subsection (3).

2237 (b) "Valid retail license" means a retail license issued pursuant to this part under which
2238 the holder is permitted to sell, offer for sale, furnish, or allow the consumption of an alcoholic
2239 product on ~~[its]~~ the holder's licensed premises.

2240 (2) Subject to the requirements of this section, the commission may issue a conditional
2241 retail license to a person if the person:

2242 (a) meets ~~[the requirements]~~ each requirement to obtain the retail license for which the
2243 person is applying, except ~~[the]~~ a requirement to submit to the department:

2244 (i) a copy of every license or permit the local authority requires for the retail license,
2245 including the person's current business license; ~~[and]~~

2246 (ii) a bond;

2247 (iii) evidence that the person carries public liability insurance;

2248 (iv) evidence that the person carries dramshop insurance coverage;

2249 (v) evidence that each individual the conditional retail licensee has hired to work as a

2250 retail manager, as defined in Section 32B-1-701, has completed the alcohol training and

2251 education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; or

2252 (vi) a menu; and

2253 (b) agrees not to sell, offer for sale, furnish, or allow the consumption of an alcoholic
2254 product on ~~[its]~~ the conditional retail licensee's licensed premises before obtaining a valid retail
2255 license.

2256 (3) (a) A conditional retail license becomes a valid retail license on the day on which
2257 the department notifies the person who holds the conditional retail license that the department

2258 finds that the person has complied with Subsection (3)(b).

2259 (b) For a conditional retail license to become a valid retail license, a person who holds
2260 the conditional retail license shall:

2261 (i) submit to the department;

2262 (A) a copy of every license or permit the local authority requires for the retail license,
2263 including the person's current business license; [and]

2264 (B) a bond as specified by Section 32B-5-204;

2265 (C) evidence that the conditional retail licensee carries public liability insurance in an
2266 amount and form satisfactory to the department;

2267 (D) evidence that the conditional retail licensee carries dramshop insurance coverage as
2268 specified in Section 32B-5-201;

2269 (E) evidence that each individual the conditional retail licensee has hired to work as a
2270 retail manager, as defined in Section 32B-1-701, has completed an alcohol training and
2271 education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act;
2272 and

2273 (F) any other information the department or commission may require; and

2274 (ii) provide to the department evidence satisfactory to the department that:

2275 (A) there has been no change in the information submitted to the commission as part of
2276 the person's application for a retail license; and

2277 (B) the person continues to qualify for the retail license.

2278 (4) (a) A conditional retail license expires 18 months after the day on which the
2279 commission issues the conditional retail license, unless the conditional retail license becomes a
2280 valid retail license before that day.

2281 (b) Notwithstanding Subsection (4)(a), the commission may extend the time period of a
2282 conditional retail license an additional six months if the holder of the conditional license can
2283 show to the satisfaction of the commission that the holder of the conditional license:

2284 (i) has an active building permit related to the licensed premises; and

2285 (ii) is engaged in a good faith effort to pursue completion within the six-month period.

2286 Section 27. Section 32B-5-304 is amended to read:

2287 **32B-5-304. Portions in which alcoholic product may be sold.**

2288 (1) (a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a

2289 primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage
2290 dispensed through a calibrated metered dispensing system approved by the department in
2291 accordance with commission rules adopted under this title~~[, except that:].~~

2292 ~~[(a) spirituous liquor need not be dispensed through a calibrated metered dispensing
2293 system if used as a secondary flavoring ingredient in a beverage subject to the following
2294 requirements:]~~

2295 ~~[(i) the secondary ingredient may be dispensed only in conjunction with the purchase
2296 of a primary spirituous liquor;]~~

2297 ~~[(ii) the secondary ingredient may not be the only spirituous liquor in the beverage;]~~

2298 ~~[(iii) the retail licensee shall designate a location where flavorings are stored on the
2299 floor plan submitted to the department; and]~~

2300 ~~[(iv) a flavoring container shall be plainly and conspicuously labeled "flavorings";]~~

2301 ~~[(b) spirituous liquor need not be dispensed through a calibrated metered dispensing
2302 system if used:]~~

2303 ~~[(i) as a flavoring on a dessert; and]~~

2304 ~~[(ii) in the preparation of a flaming food dish, drink, or dessert; and]~~

2305 (b) A retail license is not required to dispense spirituous liquor through a calibrated
2306 metered dispensing system if the spirituous liquor is:

2307 (i) a secondary flavoring ingredient;

2308 (ii) used as a flavoring on a dessert; or

2309 (iii) used to set aflame a food dish, drink, or dessert.

2310 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring
2311 ingredient shall:

2312 (i) designate a location where the retail licensee stores secondary flavoring ingredients
2313 on the floor plan the retail licensee submits to the department; and

2314 (ii) clearly and conspicuously label each secondary flavoring ingredient's container
2315 "flavorings".

2316 ~~[(c)]~~ (d) [a] A patron may have no more than 2.5 ounces of spirituous liquor at a time.

2317 (2) (a) (i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
2318 individual portion that does not exceed 5 ounces per glass or individual portion.

2319 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to

2320 a patron in more than one glass if the total amount of wine does not exceed 5 ounces.

2321 (b) (i) A retail licensee may sell, offer for sale, or furnish wine in a container not
2322 exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.

2323 (ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to
2324 exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.

2325 (3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original
2326 container at a price fixed by the commission, except that the original container may not exceed
2327 one liter.

2328 (4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an
2329 original container at a price fixed by the commission, except that the original container may not
2330 exceed one liter.

2331 (5) (a) ~~(i)~~ Subject to Subsection ~~[(5)(b)]~~ (5)(a)(ii), a retail licensee may sell, offer for
2332 sale, or furnish beer for on-premise consumption:

2333 ~~[(i)]~~ (A) in an open original container; and

2334 ~~[(ii)]~~ (B) in a container on draft.

2335 ~~[(b)]~~ (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection
2336 (5)(a)(i):

2337 ~~[(i)]~~ (A) in a size of container that exceeds two liters; or

2338 ~~[(ii)]~~ (B) to an individual patron in a size of container that exceeds one liter.

2339 (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise
2340 consumption:

2341 (i) in a sealed container; and

2342 (ii) in a size of container that does not exceed two liters.

2343 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual
2344 patron if the total amount of beer does not exceed 16 ounces.

2345 Section 28. Section **32B-5-307** is amended to read:

2346 **32B-5-307. Bringing alcoholic product onto or removing alcoholic product from**
2347 **premises.**

2348 (1) Except as provided in Subsections (3) and (4):

2349 (a) a person may not bring onto the licensed premises of a retail licensee an alcoholic
2350 product for on-premise consumption;

- 2351 (b) a retail licensee may not allow a person to:
- 2352 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or
- 2353 (ii) consume an alcoholic product brought onto the licensed premises by a person other
- 2354 than the retail licensee; and
- 2355 (c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through
- 2356 a window or door to a location off the licensed premises or to a vehicular traffic area.
- 2357 (2) Except as provided in Subsections (3) and (4) and Subsection 32B-4-415(5):
- 2358 (a) a person may not carry from [a] the licensed premises of a retail licensee an open
- 2359 container that:
- 2360 (i) is used primarily for drinking purposes; and
- 2361 (ii) contains an alcoholic product;
- 2362 (b) a retail licensee may not permit a patron to carry from the licensed premises an
- 2363 open container described in Subsection (2)(a); and
- 2364 (c) (i) a person may not carry from [a] the licensed premises of a retail licensee a sealed
- 2365 container of liquor that has been purchased from the retail licensee; and
- 2366 (ii) a retail licensee may not permit a patron to carry from the licensed premises of the
- 2367 retail licensee a sealed container of liquor that has been purchased from the retail licensee.
- 2368 (3) (a) A patron may bring a bottled wine onto the premises of a retail licensee for
- 2369 on-premise consumption if:
- 2370 (i) permitted by the retail licensee; and
- 2371 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.
- 2372 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the
- 2373 patron shall deliver the bottled wine to a server or other representative of the retail licensee
- 2374 upon entering the licensed premises.
- 2375 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a
- 2376 wine service for a bottled wine carried onto the licensed premises in accordance with this
- 2377 Subsection (3) or a bottled wine purchased at the licensed premises.
- 2378 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle
- 2379 of wine purchased at the licensed premises, or brought onto the licensed premises in
- 2380 accordance with this Subsection (3), only if before removal the bottle is recorked or recapped.
- 2381 (4) Neither a patron nor a retail licensee violates this section if:

2382 (a) the patron is in shared seating; and

2383 (b) the patron purchased the patron's alcoholic beverage from a restaurant licensee

2384 whose licensed premises include the shared seating area the patron is in.

2385 (5) (a) A patron may carry from a retail licensee's licensed premises a sealed container

2386 of beer that has been purchased from the retail licensee.

2387 (b) A retail licensee may permit a patron to carry from the retail licensee's licensed

2388 premises a sealed container of beer that has been purchased from the retail licensee.

2389 Section 29. Section **32B-5-309** is amended to read:

2390 **32B-5-309. Ceasing operation.**

2391 (1) Except as provided in Subsection (8), a retail licensee may not close or cease

2392 operation for a period longer than 240 hours, unless:

2393 (a) the retail licensee notifies the department in writing at least seven days before the

2394 day on which the retail licensee closes or ceases operation; and

2395 (b) the closure or cessation of operation is first approved by the department.

2396 (2) Notwithstanding Subsection (1), in the case of emergency closure, a retail licensee

2397 shall immediately notify the department by telephone.

2398 (3) (a) The department may authorize ~~[a]~~ an initial closure or cessation of operation of
2399 a retail licensee for a period not to exceed 60 days.

2400 (b) ~~[The]~~ Upon written request of the retail licensee and a showing of good cause, the

2401 department may extend the initial period ~~[an additional]~~ described in Subsection (3)(a) for a

2402 period not to exceed the greater of:

2403 (i) 30 days ~~[upon];~~ or

2404 (ii) the number of days until the day on which the commission holds the commission's
2405 next regularly scheduled meeting.

2406 ~~[(i) written request of the retail licensee; and]~~

2407 ~~[(ii) a showing of good cause.]~~

2408 (4) A closure or cessation of operation may not exceed ~~[a total of 90 days]~~ the time

2409 limits described in Subsection (3) without commission approval.

2410 (5) A notice required under this section shall include:

2411 (a) the dates of closure or cessation of operation;

2412 (b) the reason for the closure or cessation of operation; and

- 2413 (c) the date on which the retail licensee will reopen or resume operation.
- 2414 (6) Failure of a retail licensee to provide notice and to obtain department approval
- 2415 before closure or cessation of operation results in an automatic forfeiture of:
- 2416 (a) the retail license; and
- 2417 (b) the unused portion of the retail license fee for the remainder of the retail license
- 2418 year effective immediately.
- 2419 (7) Failure of a retail licensee to reopen or resume operation by the approved date
- 2420 results in an automatic forfeiture of:
- 2421 (a) the retail license; and
- 2422 (b) the unused portion of the retail license fee for the remainder of the retail license
- 2423 year.
- 2424 (8) This section does not apply to:
- 2425 (a) an on-premise beer retailer who is not a tavern; ~~[or]~~
- 2426 (b) an airport lounge licensee; or
- 2427 (c) a hospitality amenity licensee.
- 2428 (9) ~~For purposes of this section, the department may not base a determination~~
- 2428a that a
- 2429 retail licensee has ceased operation solely upon the retail licensee's lack of sales.
- 2430 ~~Subsection (9)(a) has retroactive application to March 12, 2020.~~ ←
- 2431 Section 30. Section **32B-6-205** is amended to read:
- 2432 **32B-6-205. Specific operational requirements for a full-service restaurant license**
- 2433 **-- Before July 1, 2018, or July 1, 2022.**
- 2434 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
- 2435 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
- 2436 shall comply with this section.
- 2437 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
- 2438 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 2439 (i) a full-service restaurant licensee;
- 2440 (ii) individual staff of a full-service restaurant licensee; or
- 2441 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
- 2442 licensee.
- 2443 (2) In addition to complying with Subsection **32B-5-301(3)**, a full-service restaurant

2444 licensee shall display in a prominent place in the restaurant a list of the types and brand names
2445 of liquor being furnished through the full-service restaurant licensee's calibrated metered
2446 dispensing system.

2447 (3) In addition to complying with Section [32B-5-303](#), a full-service restaurant licensee
2448 shall store an alcoholic product in a storage area described in Subsection (11)(a).

2449 (4) (a) An individual who serves an alcoholic product in a full-service restaurant
2450 licensee's premises shall make a written beverage tab for each table or group that orders or
2451 consumes an alcoholic product on the premises.

2452 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
2453 alcoholic product ordered or consumed.

2454 (5) A person's willingness to serve an alcoholic product may not be made a condition
2455 of employment as a server with a full-service restaurant licensee.

2456 (6) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
2457 licensed premises during the following time periods only:

2458 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

2459 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2460 period that begins at 10:30 a.m. and ends at 11:59 p.m.

2461 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
2462 licensed premises during the following time periods only:

2463 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2464 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2465 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2466 (7) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
2467 alcoholic product for on-premise consumption except after the full-service restaurant licensee
2468 confirms that the patron has the intent to order food prepared, sold, and furnished at the
2469 licensed premises.

2470 (b) Notwithstanding Section [32B-5-307](#), a full-service restaurant licensee may not sell,
2471 offer for sale, or furnish beer for off-premise consumption except after the patron consumes on
2472 the licensed premises food prepared, sold, and furnished at the licensed premises.

2473 ~~(b)~~ (c) A full-service restaurant licensee shall maintain on the licensed premises
2474 adequate culinary facilities for food preparation and dining accommodations.

2475 (8) (a) Subject to the other provisions of this Subsection (8), a patron may not have
2476 more than two alcoholic products of any kind at a time before the patron.

2477 (b) A patron may not have more than one spirituous liquor drink at a time before the
2478 patron.

2479 (c) An individual portion of wine is considered to be one alcoholic product under
2480 Subsection (8)(a).

2481 (9) A patron may consume an alcoholic product on the full-service restaurant licensee's
2482 licensed premises only:

2483 (a) at:

2484 (i) the patron's table;

2485 (ii) a counter; or

2486 (iii) a seating grandfathered bar structure; and

2487 (b) where food is served.

2488 (10) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an
2489 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
2490 structure that is not a seating grandfathered bar structure.

2491 (b) At a seating grandfathered bar structure a patron who is 21 years [~~of age~~] old or
2492 older may:

2493 (i) sit;

2494 (ii) be furnished an alcoholic product; and

2495 (iii) consume an alcoholic product.

2496 (c) Except as provided in Subsection (10)(d), at a seating grandfathered bar structure a
2497 full-service restaurant licensee may not permit a minor to, and a minor may not:

2498 (i) sit; or

2499 (ii) consume food or beverages.

2500 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed
2501 by a full-service restaurant licensee:

2502 (A) as provided in Subsection 32B-5-308(2); or

2503 (B) to perform maintenance and cleaning services during an hour when the full-service
2504 restaurant licensee is not open for business.

2505 (ii) A minor may momentarily pass by a seating grandfathered bar structure without

2506 remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's
2507 premises in which the minor is permitted to be.

2508 (11) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee
2509 may dispense an alcoholic product only if:

2510 (a) the alcoholic product is dispensed from:

2511 (i) a grandfathered bar structure;

2512 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
2513 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
2514 12, 2009; or

2515 (iii) an area that is:

2516 (A) separated from an area for the consumption of food by a patron by a solid,
2517 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
2518 an alcoholic product are:

2519 (I) not readily visible to a patron; and

2520 (II) not accessible by a patron; and

2521 (B) apart from an area used:

2522 (I) for dining;

2523 (II) for staging; or

2524 (III) as a lobby or waiting area;

2525 (b) the full-service restaurant licensee uses an alcoholic product that is:

2526 (i) stored in an area described in Subsection (11)(a); or

2527 (ii) in an area not described in Subsection (11)(a) on the licensed premises and:

2528 (A) immediately before the alcoholic product is dispensed it is in an unopened
2529 container;

2530 (B) the unopened container is taken to an area described in Subsection (11)(a) before it
2531 is opened; and

2532 (C) once opened, the container is stored in an area described in Subsection (11)(a); and

2533 (c) any instrument or equipment used to dispense alcoholic product is located in an
2534 area described in Subsection (11)(a).

2535 (12) A full-service restaurant licensee may state in a food or alcoholic product menu a
2536 charge or fee made in connection with the sale, service, or consumption of liquor including:

2537 (a) a set-up charge;

2538 (b) a service charge; or

2539 (c) a chilling fee.

2540 (13) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
2541 beverages within 10 feet of a grandfathered bar structure, unless:

2542 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
2543 in the licensed premises; and

2544 (b) the minor is accompanied by an individual who is 21 years [~~of age~~] old or older.

2545 (14) Except as provided in Subsection 32B-6-205.2(16) and Section 32B-6-205.3, the
2546 provisions of this section apply before July 1, 2018.

2547 Section 31. Section 32B-6-205.2 is amended to read:

2548 **32B-6-205.2. Specific operational requirements for a full-service restaurant**
2549 **license -- On and after July 1, 2018, or July 1, 2022.**

2550 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2551 Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee
2552 shall comply with this section.

2553 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
2554 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2555 (i) a full-service restaurant licensee;

2556 (ii) individual staff of a full-service restaurant licensee; or

2557 (iii) both a full-service restaurant licensee and staff of the full-service restaurant
2558 licensee.

2559 (2) (a) An individual who serves an alcoholic product in a full-service restaurant
2560 licensee's premises shall make a beverage tab for each table or group that orders or consumes
2561 an alcoholic product on the premises.

2562 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
2563 each alcoholic product ordered or consumed.

2564 (3) A full-service restaurant licensee may not make an individual's willingness to serve
2565 an alcoholic product a condition of employment with a full-service restaurant licensee.

2566 (4) (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the
2567 licensed premises during the following time periods only:

2568 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
2569 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2570 period that begins at 10:30 a.m. and ends at 11:59 p.m.

2571 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the
2572 licensed premises during the following time periods only:

2573 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
2574 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2575 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2576 (5) (a) A full-service restaurant licensee may not furnish an alcoholic product for
2577 on-premise consumption except after:

2578 (i) the patron to whom the full-service restaurant licensee furnishes the alcoholic
2579 product is seated at:

2580 (A) a table that is located in a dining area or a dispensing area;

2581 (B) a counter that is located in a dining area or a dispensing area; or

2582 (C) a dispensing structure that is located in a dispensing area; and

2583 (ii) the full-service restaurant licensee confirms that the patron intends to:

2584 (A) order food prepared, sold, and furnished at the licensed premises; and

2585 (B) except as provided in Subsection (5)(b), consume the food at the same location
2586 where the patron is seated and furnished the alcoholic product.

2587 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
2588 full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or
2589 furnish to the patron one drink that contains a single portion of an alcoholic product as
2590 described in Section [32B-5-304](#) if:

2591 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
2592 structure; and

2593 (B) the full-service restaurant licensee first confirms that after the patron is seated in
2594 the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
2595 premises.

2596 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
2597 in the dining area, an employee of the full-service restaurant licensee who is qualified to sell
2598 and serve an alcoholic product under Section [32B-5-306](#) shall transport any unfinished portion

2599 of the patron's alcoholic product to the patron's seat in the dining area.

2600 (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is five ounces or less.

2601 (c) Notwithstanding Section 32B-5-307, a full-service restaurant licensee may not
2602 furnish beer for off-premise consumption except after the patron consumes on the licensed
2603 premises food prepared, sold, and furnished at the licensed premises.

2604 ~~(c)~~ (d) A full-service restaurant licensee shall maintain on the licensed premises
2605 adequate culinary facilities for food preparation and dining accommodations.

2606 (6) A patron may consume an alcoholic product on the full-service restaurant licensee's
2607 licensed premises only if the patron is seated at:

2608 (a) a table that is located in a dining area or dispensing area;

2609 (b) a counter that is located in a dining area or dispensing area; or

2610 (c) a dispensing structure located in a dispensing area.

2611 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
2612 more than two alcoholic products of any kind at a time before the patron.

2613 (b) A patron may not have more than one spirituous liquor drink at a time before the
2614 patron.

2615 (c) An individual portion of wine is considered to be one alcoholic product under
2616 Subsection (7)(a).

2617 (8) In accordance with the provisions of this section, an individual who is at least 21
2618 years ~~of age~~ old may consume food and beverages in a dispensing area.

2619 (9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or
2620 consume food or beverages in a dispensing area.

2621 (b) (i) A minor may be in a dispensing area if the minor is:

2622 (A) at least 16 years ~~of age~~ old and working as an employee of the full-service
2623 restaurant licensee; or

2624 (B) performing maintenance and cleaning services as an employee of the full-service
2625 restaurant licensee when the full-service restaurant licensee is not open for business.

2626 (ii) If there is no alternative route available, a minor may momentarily pass through a
2627 dispensing area without remaining or sitting in the dispensing area en route to an area of the
2628 full-service restaurant licensee's premises in which the minor is permitted to be.

2629 (10) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee

2630 may dispense an alcoholic product only if:

2631 (a) the alcoholic product is dispensed from:

2632 (i) a dispensing structure that is located in a dispensing area;

2633 (ii) an area that is:

2634 (A) separated from an area for the consumption of food by a patron by a solid,

2635 translucent, permanent structural barrier such that the facilities for the dispensing of an

2636 alcoholic product are not readily visible to a patron and not accessible by a patron; and

2637 (B) apart from an area used for dining, for staging, or as a waiting area; or

2638 (iii) the premises of a bar licensee that is:

2639 (A) owned by the same person or persons as the full-service restaurant licensee; and

2640 (B) located immediately adjacent to the premises of the full-service restaurant licensee;

2641 and

2642 (b) any instrument or equipment used to dispense alcoholic product is located in an

2643 area described in Subsection (10)(a).

2644 (11) (a) A full-service restaurant licensee may have more than one dispensing area in
2645 the licensed premises.

2646 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
2647 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
2648 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

2649 (12) A full-service restaurant licensee may not:

2650 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

2651 (b) display an alcoholic product or a product intended to appear like an alcoholic
2652 product by moving a cart or similar device around the licensed premises.

2653 (13) A full-service restaurant licensee may state in a food or alcoholic product menu a
2654 charge or fee made in connection with the sale, service, or consumption of liquor, including:

2655 (a) a set-up charge;

2656 (b) a service charge; or

2657 (c) a chilling fee.

2658 (14) (a) In addition to the requirements described in Section 32B-5-302, a full-service
2659 restaurant licensee shall maintain each of the following records for at least three years:

2660 (i) a record required by Section 32B-5-302; and

2661 (ii) a record that the commission requires a full-service restaurant licensee to use or
2662 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2663 Rulemaking Act.

2664 (b) The department shall audit the records of a full-service restaurant licensee at least
2665 once [~~each calendar year~~] annually.

2666 (15) A full-service restaurant licensee may lease to a patron of the full-service
2667 restaurant licensee a locked storage space:

2668 (a) that the commission considers proper for the storage of wine; and

2669 (b) for the storage of wine that:

2670 (i) the patron purchases from the full-service restaurant licensee; and

2671 (ii) only the full-service restaurant licensee or staff of the full-service restaurant
2672 licensee may remove from the locker for the patron's use in accordance with this title,
2673 including:

2674 (A) service and consumption on licensed premises as described in Section [32B-5-306](#);

2675 or

2676 (B) removal from the full-service retail licensee's licensed premises in accordance with
2677 Section [32B-5-307](#).

2678 (16) (a) In accordance with Section [32B-6-205.3](#), a full-service restaurant licensee:

2679 (i) may comply with the provisions of this section beginning on or after July 1, 2017;
2680 and

2681 (ii) shall comply with the provisions of this section:

2682 (A) for a full-service restaurant licensee that does not have a grandfathered bar
2683 structure, on and after July 1, 2018; or

2684 (B) for a full-service restaurant licensee that has a grandfathered bar structure, on and
2685 after July 1, 2022.

2686 (b) A full-service restaurant licensee that elects to comply with the provisions of this
2687 section before the latest applicable date described in Subsection (16)(a)(ii):

2688 (i) shall comply with each provision of this section; and

2689 (ii) is not required to comply with the provisions of Section [32B-6-205](#).

2690 Section 32. Section [32B-6-205.3](#) is amended to read:

2691 **[32B-6-205.3](#). Transition process for full-service restaurant licensees.**

2692 (1) For a full-service restaurant license issued on or after July 1, 2017, the full-service
2693 restaurant licensee shall comply with the provisions of Section [32B-6-205.2](#).

2694 (2) For a full-service restaurant license issued before July 1, 2017, before the
2695 full-service restaurant licensee changes the full-service restaurant licensee's approved location
2696 for storage, dispensing, or consumption to comply with the provisions of Section [32B-6-205.2](#),
2697 the full-service restaurant licensee shall submit an application for approval to the department in
2698 accordance with Subsection [32B-5-303](#)(3).

2699 (3) (a) Except as provided in Subsection (4), a person who holds a full-service
2700 restaurant license issued before July 1, 2017, shall comply with the provisions of Section
2701 [32B-6-205.2](#) on or before July 1, 2018.

2702 (b) A full-service restaurant licensee described in Subsection (3)(a) that cannot comply
2703 with the provisions of Section [32B-6-205.2](#) without a change to the full-service restaurant
2704 licensee's approved location for storage, dispensing, or consumption:

2705 (i) may submit an application for approval described in Subsection (2) on or after May
2706 9, 2017; and

2707 (ii) shall submit an application for approval described in Subsection (2) on or before
2708 May 1, 2018.

2709 (c) If a full-service restaurant licensee described in Subsection (3)(a) submits an
2710 application for approval described in Subsection (2) on May 9, 2017, the department shall take
2711 action on the application on or before July 1, 2017.

2712 (4) (a) A person who holds a full-service restaurant license issued before July 1, 2017,
2713 and has a grandfathered bar structure shall comply with the provisions of Section [32B-6-205.2](#)
2714 on or before the earlier of:

2715 (i) July 1, 2022;

2716 (ii) the date on which the full-service restaurant licensee remodels, as defined by
2717 commission rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2718 Rulemaking Act, the full-service restaurant licensee's grandfathered bar structure or dining
2719 area; or

2720 (iii) the date on which the full-service restaurant licensee experiences a change of
2721 ownership described in Subsection [~~32B-8a-202~~] [32B-18-202](#)(1).

2722 (b) A full-service restaurant licensee described in Subsection (4)(a) that cannot comply

2723 with the provisions of Section 32B-6-205.2 without a change to the full-service restaurant
2724 licensee's approved location for storage, dispensing, or consumption:

2725 (i) may submit an application for approval described in Subsection (2) on or after May
2726 9, 2017; and

2727 (ii) shall submit an application for approval described in Subsection (2) on or before
2728 May 1, 2022.

2729 Section 33. Section 32B-6-305 is amended to read:

2730 **32B-6-305. Specific operational requirements for a limited-service restaurant**
2731 **license -- Before July 1, 2018, or July 1, 2022.**

2732 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2733 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
2734 licensee shall comply with this section.

2735 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2736 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2737 (i) a limited-service restaurant licensee;

2738 (ii) individual staff of a limited-service restaurant licensee; or

2739 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
2740 licensee.

2741 (2) (a) A limited-service restaurant licensee on the licensed premises may not sell, offer
2742 for sale, furnish, or allow consumption of:

2743 (i) spirituous liquor; or

2744 (ii) a flavored malt beverage.

2745 (b) A product listed in Subsection (2)(a) may not be on the premises of a
2746 limited-service restaurant licensee except for use:

2747 (i) as a flavoring on a dessert; and

2748 (ii) in the preparation of a flaming food dish, drink, or dessert.

2749 (3) In addition to complying with Section 32B-5-303, a limited-service restaurant
2750 licensee shall store an alcoholic product in a storage area described in Subsection (11)(a).

2751 (4) (a) An individual who serves an alcoholic product in a limited-service restaurant
2752 licensee's premises shall make a written beverage tab for each table or group that orders or
2753 consumes an alcoholic product on the premises.

2754 (b) A beverage tab required by this Subsection (4) shall list the type and amount of an
2755 alcoholic product ordered or consumed.

2756 (5) A person's willingness to serve an alcoholic product may not be made a condition
2757 of employment as a server with a limited-service restaurant licensee.

2758 (6) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
2759 heavy beer at the licensed premises during the following time periods only:

2760 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

2761 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2762 period that begins at 10:30 a.m. and ends at 11:59 p.m.

2763 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
2764 licensed premises during the following time periods only:

2765 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2766 (ii) on a weekend or state or federal legal holiday or for a private event, during the
2767 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2768 (7) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an
2769 alcoholic product for on-premise consumption except after the limited-service restaurant
2770 licensee confirms that the patron has the intent to order food prepared, sold, and furnished at
2771 the licensed premises.

2772 (b) Notwithstanding Section [32B-5-307](#), a limited-service restaurant licensee may not
2773 sell, offer for sale, or furnish beer for off-premise consumption except after the patron
2774 consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.

2775 ~~[(b)]~~ (c) A limited-service restaurant licensee shall maintain on the licensed premises
2776 adequate culinary facilities for food preparation and dining accommodations.

2777 (8) (a) Subject to the other provisions of this Subsection (8), a patron may not have
2778 more than two alcoholic products of any kind at a time before the patron.

2779 (b) An individual portion of wine is considered to be one alcoholic product under
2780 Subsection (8)(a).

2781 (9) A patron may consume an alcoholic product on the limited-service restaurant
2782 licensee's licensed premises only:

2783 (a) at:

2784 (i) the patron's table;

- 2785 (ii) a counter; or
- 2786 (iii) a seating grandfathered bar structure; and
- 2787 (b) where food is served.
- 2788 (10) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an
- 2789 alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar
- 2790 structure that is not a seating grandfathered bar structure.
- 2791 (b) At a seating grandfathered bar structure a patron who is 21 years [~~of age~~] old or
- 2792 older may:
- 2793 (i) sit;
- 2794 (ii) be furnished an alcoholic product; and
- 2795 (iii) consume an alcoholic product.
- 2796 (c) Except as provided in Subsection (10)(d), at a seating grandfathered bar structure a
- 2797 limited-service restaurant licensee may not permit a minor to, and a minor may not:
- 2798 (i) sit; or
- 2799 (ii) consume food or beverages.
- 2800 (d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed
- 2801 by a limited-service restaurant licensee:
- 2802 (A) as provided in Subsection [32B-5-308\(2\)](#); or
- 2803 (B) to perform maintenance and cleaning services during an hour when the
- 2804 limited-service restaurant licensee is not open for business.
- 2805 (ii) A minor may momentarily pass by a seating grandfathered bar structure without
- 2806 remaining or sitting at the bar structure en route to an area of a limited-service restaurant
- 2807 licensee's premises in which the minor is permitted to be.
- 2808 (11) Except as provided in Subsection [32B-5-307\(3\)](#), a limited-service restaurant
- 2809 licensee may dispense an alcoholic product only if:
- 2810 (a) the alcoholic product is dispensed from:
- 2811 (i) a grandfathered bar structure;
- 2812 (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at
- 2813 the grandfathered bar structure if that area is used to dispense an alcoholic product as of May
- 2814 12, 2009; or
- 2815 (iii) an area that is:

2816 (A) separated from an area for the consumption of food by a patron by a solid,
2817 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
2818 an alcoholic product are:

2819 (I) not readily visible to a patron; and

2820 (II) not accessible by a patron; and

2821 (B) apart from an area used:

2822 (I) for dining;

2823 (II) for staging; or

2824 (III) as a lobby or waiting area;

2825 (b) the limited-service restaurant licensee uses an alcoholic product that is:

2826 (i) stored in an area described in Subsection (11)(a); or

2827 (ii) in an area not described in Subsection (11)(a) on the licensed premises and:

2828 (A) immediately before the alcoholic product is dispensed it is in an unopened
2829 container;

2830 (B) the unopened container is taken to an area described in Subsection (11)(a) before it
2831 is opened; and

2832 (C) once opened, the container is stored in an area described in Subsection (11)(a); and

2833 (c) any instrument or equipment used to dispense alcoholic product is located in an
2834 area described in Subsection (11)(a).

2835 (12) A limited-service restaurant licensee may state in a food or alcoholic product
2836 menu a charge or fee made in connection with the sale, service, or consumption of wine or
2837 heavy beer including:

2838 (a) a set-up charge;

2839 (b) a service charge; or

2840 (c) a chilling fee.

2841 (13) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
2842 beverages within 10 feet of a grandfathered bar structure, unless:

2843 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
2844 in the licensed premises; and

2845 (b) the minor is accompanied by an individual who is 21 years ~~[of age]~~ old or older.

2846 (14) Except as provided in Subsection 32B-6-305.2(15) and Section 32B-6-305.3, the

2847 provisions of this section apply before July 1, 2018.

2848 Section 34. Section **32B-6-305.2** is amended to read:

2849 **32B-6-305.2. Specific operational requirements for a limited-service restaurant**
2850 **license -- On and after July 1, 2018, or July 1, 2022.**

2851 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2852 Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant
2853 licensee shall comply with this section.

2854 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
2855 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2856 (i) a limited-service restaurant licensee;

2857 (ii) individual staff of a limited-service restaurant licensee; or

2858 (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant
2859 licensee.

2860 (2) (a) An individual who serves an alcoholic product in a limited-service restaurant
2861 licensee's premises shall make a beverage tab for each table or group that orders or consumes
2862 an alcoholic product on the premises.

2863 (b) A beverage tab described in this Subsection (2) shall state the type and amount of
2864 each alcoholic product ordered or consumed.

2865 (3) A limited-service restaurant licensee may not make an individual's willingness to
2866 serve an alcoholic product a condition of employment with a limited-service restaurant
2867 licensee.

2868 (4) (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or
2869 heavy beer at the licensed premises during the following time periods only:

2870 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or

2871 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2872 period that begins at 10:30 a.m. and ends at 11:59 p.m.

2873 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the
2874 licensed premises during the following time periods only:

2875 (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

2876 (ii) on a weekend or a state or federal legal holiday or for a private event, during the
2877 period that begins at 10:30 a.m. and ends at 12:59 a.m.

2878 (5) (a) A limited-service restaurant licensee may not furnish an alcoholic product for
2879 on-premise consumption except after:

2880 (i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic
2881 product is seated at:

2882 (A) a table that is located in a dining area or a dispensing area;

2883 (B) a counter that is located in a dining area or a dispensing area; or

2884 (C) a dispensing structure that is located in a dispensing area; and

2885 (ii) the limited-service restaurant licensee confirms that the patron intends to:

2886 (A) order food prepared, sold, and furnished at the licensed premises; and

2887 (B) except as provided in Subsection (5)(b), consume the food at the same location

2888 where the patron is seated and furnished the alcoholic product.

2889 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
2890 limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for
2891 sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as
2892 described in Section [32B-5-304](#) if:

2893 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
2894 structure; and

2895 (B) the limited-service restaurant licensee first confirms that after the patron is seated
2896 in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed
2897 premises.

2898 (ii) If the patron does not finish the patron's alcoholic product before moving to a seat
2899 in the dining area, an employee of the limited-service restaurant licensee who is qualified to
2900 sell and serve an alcoholic product under Section [32B-5-306](#) shall transport any unfinished
2901 portion of the patron's alcoholic product to the patron's seat in the dining area.

2902 (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.

2903 (c) Notwithstanding Section [32B-5-307](#), a limited-service restaurant licensee may not
2904 furnish beer for off-premise consumption except after the patron consumes on the licensed
2905 premises food prepared, sold, and furnished at the licensed premises.

2906 [~~(c)~~] (d) A limited-service restaurant licensee shall maintain on the licensed premises
2907 adequate culinary facilities for food preparation and dining accommodations.

2908 (6) A patron may consume an alcoholic product on the limited-service restaurant

2909 licensee's licensed premises only if the patron is seated at:

2910 (a) a table that is located in a dining area or a dispensing area;

2911 (b) a counter that is located in a dining area or a dispensing area; or

2912 (c) a dispensing structure located in a dispensing area.

2913 (7) (a) Subject to the other provisions of this Subsection (7), a patron may not have
2914 more than two alcoholic products of any kind at a time before the patron.

2915 (b) An individual portion of wine is considered to be one alcoholic product under
2916 Subsection (7)(a).

2917 (8) In accordance with the provisions of this section, an individual who is at least 21
2918 years [~~of age~~] old may consume food and beverages in a dispensing area.

2919 (9) (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or
2920 consume food or beverages in a dispensing area.

2921 (b) (i) A minor may be in a dispensing area if the minor is:

2922 (A) at least 16 years [~~of age~~] old and working as an employee of the limited-service
2923 restaurant licensee; or

2924 (B) performing maintenance and cleaning services as an employee of the
2925 limited-service restaurant licensee when the limited-service restaurant licensee is not open for
2926 business.

2927 (ii) If there is no alternative route available, a minor may momentarily pass through a
2928 dispensing area without remaining or sitting in the dispensing area en route to an area of the
2929 limited-service restaurant licensee's premises in which the minor is permitted to be.

2930 (10) Except as provided in Subsection [32B-5-307\(3\)](#), a limited-service restaurant
2931 licensee may dispense an alcoholic product only if:

2932 (a) the alcoholic product is dispensed from:

2933 (i) a dispensing structure that is located in a dispensing area;

2934 (ii) an area that is:

2935 (A) separated from an area for the consumption of food by a patron by a solid,
2936 translucent, permanent structural barrier such that the facilities for the dispensing of an
2937 alcoholic product are not readily visible to a patron and not accessible by a patron; and

2938 (B) apart from an area used for dining, for staging, or as a waiting area; or

2939 (iii) the premises of a bar licensee that is:

2940 (A) owned by the same person or persons as the limited-service restaurant licensee; and
2941 (B) located immediately adjacent to the premises of the limited-service restaurant
2942 licensee; and

2943 (b) any instrument or equipment used to dispense alcoholic product is located in an
2944 area described in Subsection (10)(a).

2945 (11) (a) A limited-service restaurant licensee may have more than one dispensing area
2946 in the licensed premises.

2947 (b) Each dispensing area in a licensed premises may satisfy the requirements for a
2948 dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other
2949 dispensing area in the licensed premises satisfies the requirements for a dispensing area.

2950 (12) A limited-service restaurant licensee may not:

2951 (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

2952 (b) display an alcoholic product or a product intended to appear like an alcoholic
2953 product by moving a cart or similar device around the licensed premises.

2954 (13) A limited-service restaurant licensee may state in a food or alcoholic product
2955 menu a charge or fee made in connection with the sale, service, or consumption of wine or
2956 heavy beer, including:

2957 (a) a set-up charge;

2958 (b) a service charge; or

2959 (c) a chilling fee.

2960 (14) (a) In addition to the requirements described in Section 32B-5-302, a
2961 limited-service restaurant licensee shall maintain each of the following records for at least three
2962 years:

2963 (i) a record required by Section 32B-5-302; and

2964 (ii) a record that the commission requires a limited-service restaurant licensee to use or
2965 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2966 Rulemaking Act.

2967 (b) The department shall audit the records of a limited-service restaurant licensee at
2968 least once each calendar year.

2969 (15) (a) In accordance with Section 32B-6-305.3, a limited-service restaurant licensee:

2970 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

2971 and

2972 (ii) shall comply with the provisions of this section:

2973 (A) for a limited-service restaurant licensee that does not have a grandfathered bar
2974 structure, on and after July 1, 2018; or

2975 (B) for a limited-service restaurant licensee that has a grandfathered bar structure, on
2976 and after July 1, 2022.

2977 (b) A limited-service restaurant licensee that elects to comply with the provisions of
2978 this section before the latest applicable date described in Subsection (15)(a)(ii):

2979 (i) shall comply with each provision of this section; and

2980 (ii) is not required to comply with the provisions of Section 32B-6-305.

2981 Section 35. Section 32B-6-305.3 is amended to read:

2982 **32B-6-305.3. Transition process for limited-service restaurant licensees.**

2983 (1) For a limited-service restaurant license issued on or after July 1, 2017, the
2984 limited-service restaurant licensee shall comply with the provisions of Section 32B-6-305.2.

2985 (2) For a limited-service restaurant license issued before July 1, 2017, before the
2986 limited-service restaurant licensee changes the limited-service restaurant licensee's approved
2987 location for storage, dispensing, or consumption to comply with the provisions of Section
2988 32B-6-305.2, the limited-service restaurant licensee shall submit an application for approval to
2989 the department in accordance with Subsection 32B-5-303(3).

2990 (3) (a) Except as provided in Subsection (4), a person who holds a limited-service
2991 restaurant license issued before July 1, 2017, shall comply with the provisions of Section
2992 32B-6-305.2 on or before July 1, 2018.

2993 (b) A limited-service restaurant licensee described in Subsection (3)(a) that cannot
2994 comply with the provisions of Section 32B-6-305.2 without a change to the limited-service
2995 restaurant licensee's approved location for storage, dispensing, or consumption:

2996 (i) may submit an application for approval described in Subsection (2) on or after May
2997 9, 2017; and

2998 (ii) shall submit an application for approval described in Subsection (2) on or before
2999 May 1, 2018.

3000 (c) If a limited-service restaurant licensee described in Subsection (3)(a) submits an
3001 application for approval described in Subsection (2) on May 9, 2017, the department shall take

3002 action on the application on or before July 1, 2017.

3003 (4) (a) A person who holds a limited-service restaurant license issued before July 1,
3004 2017, and has a grandfathered bar structure shall comply with the provisions of Section
3005 [32B-6-305.2](#) on or before the earlier of:

3006 (i) July 1, 2022;

3007 (ii) the date on which the limited-service restaurant licensee remodels, as defined by
3008 commission rule made in accordance with Title 63G, Chapter 3, Utah Administrative
3009 Rulemaking Act, the limited-service restaurant licensee's grandfathered bar structure or dining
3010 area; or

3011 (iii) the date on which the limited-service restaurant licensee experiences a change of
3012 ownership described in Subsection [~~32B-8a-202~~] [32B-18-202](#)(1).

3013 (b) A limited-service restaurant licensee described in Subsection (4)(a) that cannot
3014 comply with the provisions of Section [32B-6-305.2](#) without a change to the limited-service
3015 restaurant licensee's approved location for storage, dispensing, or consumption:

3016 (i) may submit an application for approval described in Subsection (2) on or after May
3017 9, 2017; and

3018 (ii) shall submit an application for approval described in Subsection (2) on or before
3019 May 1, 2022.

3020 Section 36. Section **32B-6-404.1** is amended to read:

3021 **32B-6-404.1. Transition from dining club license to full-service restaurant license.**

3022 (1) As used in this section:

3023 (a) "Converted full-service restaurant licensee" means a dining club licensee that
3024 converts to a full-service restaurant licensee on or before July 1, 2018, in accordance with
3025 Subsection [32B-6-404](#)(7).

3026 (b) "Grandfathered bar structure" means the same as that term is defined in Section
3027 [32B-6-202](#).

3028 (2) (a) Except as provided in Subsection (2)(c) and subject to the provisions of this
3029 section, a converted full-service restaurant licensee shall operate under the provisions that
3030 govern a full-service restaurant licensee that has a grandfathered bar structure.

3031 (b) For purposes of applying the provisions that govern a full-service restaurant
3032 licensee with a grandfathered bar structure, a converted full-service restaurant licensee's bar

3033 structure is considered a grandfathered bar structure.

3034 (c) The provisions of Section [32B-6-205.3](#) do not apply to a converted full-service
3035 restaurant licensee.

3036 (3) (a) A converted full-service restaurant licensee shall comply with the provisions of
3037 Section [32B-6-205.2](#) on or before the earlier of:

3038 (i) July 1, 2022;

3039 (ii) the date on which the converted full-service restaurant licensee remodels, as
3040 defined by commission rule made in accordance with Title 63G, Chapter 3, Utah
3041 Administrative Rulemaking Act, the converted full-service restaurant licensee's bar structure or
3042 dining area; or

3043 (iii) the date on which the converted full-service restaurant licensee experiences a
3044 change of ownership described in Subsection [~~32B-8a-202~~] [32B-18-202](#)(1).

3045 (b) Before a converted full-service restaurant licensee changes the converted
3046 full-service restaurant licensee's approved location for storage, dispensing, or consumption to
3047 comply with the provisions of Section [32B-6-205.2](#), the converted full-service restaurant
3048 licensee shall submit an application for approval to the department in accordance with
3049 Subsection [32B-5-303](#)(3).

3050 (c) A converted full-service restaurant licensee that cannot comply with the provisions
3051 of Section [32B-6-205.2](#) without a change to the converted full-service restaurant licensee's
3052 approved location for storage, dispensing, or consumption shall submit an application for
3053 approval described in Subsection (3)(b) on or before May 1, 2022.

3054 (4) (a) Notwithstanding any provision to the contrary, a converted full-service
3055 restaurant licensee shall maintain at least the following percentage of the converted full-service
3056 restaurant licensee's total restaurant business from the sale of food:

3057 (i) beginning the day on which the licensee becomes a converted full-service restaurant
3058 licensee, and ending June 30, 2019, 64%;

3059 (ii) beginning July 1, 2019, and ending June 30, 2020, 68%; and

3060 (iii) on and after July 1, 2021, 70%.

3061 (b) For purposes of Subsection (4)(a), a converted full-service restaurant licensee's
3062 restaurant business from the sale of food does not include:

3063 (i) mix for an alcoholic product; or

3064 (ii) a service charge.

3065 Section 37. Section **32B-6-605** is amended to read:

3066 **32B-6-605. Specific operational requirements for on-premise banquet license.**

3067 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
3068 Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee
3069 shall comply with this section.

3070 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
3071 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

3072 (i) an on-premise banquet licensee;

3073 (ii) individual staff of an on-premise banquet licensee; or

3074 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

3075 (2) An on-premise banquet licensee shall comply with Subsections **32B-5-301**(4) and
3076 (5) for the entire premises of the hotel, resort facility, sports center, convention center, [or]
3077 performing arts facility, or arena that is the basis for the on-premise banquet license.

3078 (3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
3079 shall provide the department with advance notice of a scheduled banquet in accordance with
3080 rules made by the commission.

3081 (b) Any of the following may conduct a random inspection of a banquet:

3082 (i) an authorized representative of the commission or the department; or

3083 (ii) a law enforcement officer.

3084 (4) (a) An on-premise banquet licensee is not subject to Section **32B-5-302**, but shall
3085 make and maintain the records the commission or department requires.

3086 (b) Section **32B-1-205** applies to a record required to be made or maintained in
3087 accordance with this Subsection (4).

3088 (5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may
3089 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the
3090 location of the banquet.

3091 (b) Except as provided in Subsection **32B-5-307**(4), a host of a banquet, a patron, or a
3092 person other than the on-premise banquet licensee or staff of the on-premise banquet licensee,
3093 may not remove an alcoholic product from the premises of the banquet.

3094 (c) Notwithstanding [~~Subsection **32B-5-307**(3)]~~ Subsections **32B-5-307**(3) and (5) and

3095 except as provided in Subsection [32B-5-307](#)(4), a patron at a banquet may not bring an
3096 alcoholic product into or onto, or remove an alcoholic product from, the premises of a banquet.

3097 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
3098 the banquet following the conclusion of the banquet.

3099 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

3100 (i) destroy an opened and unused alcoholic product that is not saleable, under
3101 conditions established by the department; and

3102 (ii) return to the on-premise banquet licensee's approved locked storage area any:

3103 (A) opened and unused alcoholic product that is saleable; and

3104 (B) unopened container of an alcoholic product.

3105 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container
3106 of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

3107 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
3108 locked storage area; and

3109 (ii) may use the alcoholic product at more than one banquet.

3110 (7) Notwithstanding Section [32B-5-308](#), an on-premise banquet licensee may not
3111 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
3112 on-premise banquet licensee's banquet and room service activities.

3113 (8) An on-premise banquet licensee:

3114 (a) may provide room service in portions described in Section [32B-5-304](#);

3115 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
3116 connection with room service any day during a period that:

3117 (i) begins at 1 a.m.; and

3118 (ii) ends at 9:59 a.m.; and

3119 (c) notwithstanding Section [32B-5-305](#), may provide as room service one alcoholic
3120 product free of charge per guest reservation, per guest room, if the alcoholic product:

3121 (i) is not a spirituous liquor; and

3122 (ii) is in an unopened container not to exceed 750 milliliters.

3123 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
3124 more than two alcoholic products of any kind at a time before the patron.

3125 (b) A patron may not have more than one spirituous liquor drink at a time before the

3126 patron.

3127 (c) An individual portion of wine is considered to be one alcoholic product under
3128 Subsection (9)(a).

3129 (10) (a) An on-premise banquet licensee shall supervise and direct a person involved in
3130 the sale, offer for sale, or furnishing of an alcoholic product.

3131 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
3132 shall complete an alcohol training and education seminar.

3133 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
3134 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
3135 banquet.

3136 (12) (a) Room service of an alcoholic product to a guest room or privately owned
3137 dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise
3138 banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.

3139 (b) An alcoholic product may not be left outside a guest room or privately owned
3140 dwelling unit for retrieval by a guest or resident.

3141 (13) An on-premise banquet licensee may not maintain a minibar.

3142 Section 38. Section **32B-6-706** is amended to read:

3143 **32B-6-706. Specific operational requirements for on-premise beer retailer license.**

3144 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
3145 Requirements, an on-premise beer retailer and staff of the on-premise beer retailer shall comply
3146 with this section.

3147 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
3148 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

3149 (i) an on-premise beer retailer;

3150 (ii) individual staff of an on-premise beer retailer; or

3151 (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.

3152 (2) (a) An on-premise beer retailer is not subject to Section **32B-5-302**, but shall make
3153 and maintain the records the department requires.

3154 (b) Section **32B-1-205** applies to a record required to be made or maintained in
3155 accordance with this Subsection (2).

3156 (3) Notwithstanding Section **32B-5-303**, an on-premise beer retailer may not store or

3157 sell liquor on its licensed premises.

3158 ~~[(4) Beer sold in a sealed container by an on-premise beer retailer may be removed~~
3159 ~~from the on-premise beer retailer premises in the sealed container.]~~

3160 ~~[(5)]~~ (4) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at
3161 ~~[its]~~ the on-premise beer retailer's licensed premises during a period that:

3162 (i) begins at 1 a.m.; and

3163 (ii) ends at 9:59 a.m.

3164 (b) (i) Notwithstanding Subsection ~~[(5)]~~ (4)(a), a tavern shall remain open for one hour
3165 after the tavern ceases the sale and furnishing of beer during which time a patron of the tavern
3166 may finish consuming a single serving of beer not exceeding 26 ounces.

3167 (ii) A tavern is not required to remain open:

3168 (A) after all patrons have vacated the premises; or

3169 (B) during an emergency.

3170 ~~[(6)]~~ (5) Notwithstanding Section [32B-5-308](#), a minor may not be on the premises of a
3171 tavern.

3172 ~~[(7)]~~ (6) (a) (i) An on-premise beer retailer may not purchase, acquire, possess for the
3173 purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases
3174 from:

3175 (A) a beer wholesaler licensee; or

3176 (B) a small brewer that manufactures the beer.

3177 (ii) Violation of Subsection ~~[(7)]~~ (6)(a)(i) is a class A misdemeanor.

3178 (b) (i) If an on-premise beer retailer purchases beer under this Subsection ~~[(7)]~~ (6) from
3179 a beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer
3180 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
3181 in which the on-premise beer retailer is located, unless an alternate wholesaler is authorized by
3182 the department to sell to the on-premise beer retailer as provided in Section [32B-13-301](#).

3183 (ii) Violation of Subsection ~~[(7)]~~ (6)(b)(i) is a class B misdemeanor.

3184 ~~[(8)]~~ (7) A tavern shall comply with Section [32B-1-407](#).

3185 Section 39. Section [32B-6-905](#) is amended to read:

3186 **32B-6-905. Specific operational requirements for a beer-only restaurant license --**

3187 **Before July 1, 2018, or July 1, 2022.**

3188 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
3189 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
3190 shall comply with this section.

3191 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
3192 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

3193 (i) a beer-only restaurant licensee;

3194 (ii) individual staff of a beer-only restaurant licensee; or

3195 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

3196 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
3197 sale, furnish, or allow consumption of liquor.

3198 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

3199 (i) as a flavoring on a dessert; and

3200 (ii) in the preparation of a flaming food dish, drink, or dessert.

3201 (3) In addition to complying with Section [32B-5-303](#), a beer-only restaurant licensee
3202 shall store beer in a storage area described in Subsection (11)(a).

3203 (4) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
3204 make a written beverage tab for each table or group that orders or consumes an alcoholic
3205 product on the premises.

3206 (b) A beverage tab required by this Subsection (4) shall list the type and amount of
3207 beer ordered or consumed.

3208 (5) A person's willingness to serve beer may not be made a condition of employment as
3209 a server with a beer-only restaurant licensee.

3210 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
3211 licensed premises during the following time periods only:

3212 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or

3213 (b) on a weekend or a state or federal legal holiday or for a private event, during the
3214 period that begins at 10:30 a.m. and ends at 12:59 a.m.

3215 (7) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer for on-premise
3216 consumption except after the beer-only restaurant licensee confirms that the patron has the
3217 intent to order food prepared, sold, and furnished at the licensed premises.

3218 (b) Notwithstanding Section [32B-5-307](#), a beer-only restaurant licensee may not sell,

3219 offer for sale, or furnish beer for off-premise consumption except after the patron consumes on
3220 the licensed premises food prepared, sold, and furnished at the licensed premises.

3221 ~~[(b)]~~ (c) A beer-only restaurant shall maintain on the licensed premises adequate
3222 culinary facilities for food preparation and dining accommodations.

3223 (8) A patron may not have more than two beers at a time before the patron.

3224 (9) A patron may consume a beer on the beer-only restaurant licensee's licensed
3225 premises only:

3226 (a) at:

3227 (i) the patron's table;

3228 (ii) a grandfathered bar structure; or

3229 (iii) a counter; and

3230 (b) where food is served.

3231 (10) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a beer to
3232 a patron, and a patron may not consume an alcoholic product at a bar structure.

3233 (b) Notwithstanding Subsection (10)(a), at a grandfathered bar structure, a patron who
3234 is 21 years ~~[of age]~~ old or older may:

3235 (i) sit;

3236 (ii) be furnished a beer; and

3237 (iii) consume a beer.

3238 (c) Except as provided in Subsection (10)(d), at a grandfathered bar structure, a
3239 beer-only restaurant licensee may not permit a minor to, and a minor may not:

3240 (i) sit; or

3241 (ii) consume food or beverages.

3242 (d) (i) A minor may be at a grandfathered bar structure if the minor is employed by a
3243 beer-only restaurant licensee:

3244 (A) as provided in Subsection [32B-5-308\(2\)](#); or

3245 (B) to perform maintenance and cleaning services during an hour when the beer-only
3246 restaurant licensee is not open for business.

3247 (ii) A minor may momentarily pass by a grandfathered bar structure without remaining
3248 or sitting at the bar structure en route to an area of a beer-only restaurant licensee's premises in
3249 which the minor is permitted to be.

3250 (11) A beer-only restaurant licensee may dispense a beer only if:
3251 (a) the beer is dispensed from an area that is:
3252 (i) a grandfathered bar structure; or
3253 (ii) separated from an area for the consumption of food by a patron by a solid,
3254 translucent, permanent structural barrier such that the facilities for the storage or dispensing of
3255 an alcoholic product are not readily visible to a patron, not accessible by a patron, and apart
3256 from an area used for dining, for staging, or as a lobby or waiting area;
3257 (b) the beer-only restaurant licensee uses a beer that is:
3258 (i) stored in an area described in Subsection (11)(a); or
3259 (ii) in an area not described in Subsection (11)(a) on the licensed premises and:
3260 (A) immediately before the beer is dispensed it is in an unopened container;
3261 (B) the unopened container is taken to an area described in Subsection (11)(a) before it
3262 is opened; and
3263 (C) once opened, the container is stored in an area described in Subsection (11)(a); and
3264 (c) any instrument or equipment used to dispense the beer is located in an area
3265 described in Subsection (11)(a).

3266 (12) Beginning on July 1, 2018, a minor may not sit, remain, or consume food or
3267 beverages within 10 feet of a grandfathered bar structure, unless:

3268 (a) seating within 10 feet of the grandfathered bar structure is the only seating available
3269 in the licensed premises; and

3270 (b) the minor is accompanied by an individual who is 21 years ~~[of age]~~ old or older.

3271 (13) Except as provided in Subsection 32B-6-905.1(15) and Section 32B-6-905.2, the
3272 provisions of this section apply before July 1, 2018.

3273 Section 40. Section 32B-6-905.1 is amended to read:

3274 **32B-6-905.1. Specific operational requirements for a beer-only restaurant license**
3275 **-- On and after July 1, 2018, or July 1, 2022.**

3276 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
3277 Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee
3278 shall comply with this section.

3279 (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in
3280 accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- 3281 (i) a beer-only restaurant licensee;
- 3282 (ii) individual staff of a beer-only restaurant licensee; or
- 3283 (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.
- 3284 (2) (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for
- 3285 sale, furnish, or allow consumption of liquor.
- 3286 (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:
- 3287 (i) as a flavoring on a dessert; or
- 3288 (ii) in the preparation of a flaming food dish, drink, or dessert.
- 3289 (3) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall
- 3290 make a beverage tab for each table or group that orders or consumes beer on the premises.
- 3291 (b) A beverage tab described in this Subsection (3) shall state the type and amount of
- 3292 each beer ordered or consumed.
- 3293 (4) A beer-only restaurant licensee may not make an individual's willingness to serve
- 3294 beer a condition of employment as a server with a beer-only restaurant licensee.
- 3295 (5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the
- 3296 licensed premises during the following time periods only:
- 3297 (a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
- 3298 (b) on a weekend or a state or federal legal holiday or for a private event, during the
- 3299 period that begins at 10:30 a.m. and ends at 12:59 a.m.
- 3300 (6) (a) A beer-only restaurant licensee may not furnish beer for on-premise
- 3301 consumption except after:
- 3302 (i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:
- 3303 (A) a table that is located in a dining area or a dispensing area;
- 3304 (B) a counter that is located in a dining area or a dispensing area; or
- 3305 (C) a dispensing structure that is located in a dispensing area; and
- 3306 (ii) the beer-only restaurant licensee confirms that the patron intends to:
- 3307 (A) order food prepared, sold, and furnished at the licensed premises; and
- 3308 (B) except as provided in Subsection (6)(b), consume the food at the same location
- 3309 where the patron is seated and furnished the beer.
- 3310 (b) (i) While a patron waits for a seat at a table or counter in the dining area of a
- 3311 beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or

3312 furnish to the patron one portion of beer as described in Section 32B-5-304 if:

3313 (A) the patron is in a dispensing area and seated at a table, counter, or dispensing
3314 structure; and

3315 (B) the beer-only restaurant licensee first confirms that after the patron is seated in the
3316 dining area, the patron intends to order food prepared, sold, and furnished at the licensed
3317 premises.

3318 (ii) If the patron does not finish the patron's beer before moving to a seat in the dining
3319 area, an employee of the beer-only restaurant licensee who is qualified to sell and serve an
3320 alcoholic product under Section 32B-5-306 shall transport any unfinished portion of the
3321 patron's beer to the patron's seat in the dining area.

3322 (c) Notwithstanding Section 32B-5-307, a beer-only restaurant licensee may not
3323 furnish beer for off-premise consumption except after the patron consumes on the licensed
3324 premises food prepared, sold, and furnished at the licensed premises.

3325 ~~(c)~~ (d) A beer-only restaurant licensee shall maintain on the licensed premises
3326 adequate culinary facilities for food preparation and dining accommodations.

3327 (7) A patron may consume a beer on the beer-only licensee's licensed premises only at:

3328 (a) a table that is located in a dining area or a dispensing area;

3329 (b) a counter that is located in a dining area or a dispensing area; or

3330 (c) a dispensing structure located in a dispensing area.

3331 (8) A patron may not have more than two beers at a time before the patron.

3332 (9) In accordance with the provisions of this section, an individual who is at least 21
3333 years ~~of age~~ old may consume food and beverages in a dispensing area.

3334 (10) (a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or
3335 consume food or beverages in a dispensing area.

3336 (b) (i) A minor may be in a dispensing area if the minor is:

3337 (A) at least 16 years ~~of age~~ old and working as an employee of the beer-only
3338 restaurant licensee; or

3339 (B) performing maintenance and cleaning services as an employee of the beer-only
3340 restaurant licensee when the beer-only restaurant licensee is not open for business.

3341 (ii) If there is no alternative route available, a minor may momentarily pass through a
3342 dispensing area without remaining or sitting in the dispensing area en route to an area of the

3343 beer-only restaurant licensee's premises in which the minor is permitted to be.

3344 (11) A beer-only restaurant licensee may dispense a beer only if:

3345 (a) the beer is dispensed from:

3346 (i) a dispensing structure that is located in a dispensing area;

3347 (ii) an area that is:

3348 (A) separated from an area for the consumption of food by a patron by a solid,

3349 translucent, permanent structural barrier such that the facilities for the dispensing of an

3350 alcoholic product are not readily visible to a patron and not accessible by a patron; and

3351 (B) apart from an area used for dining, for staging, or as a waiting area; or

3352 (iii) the premises of a bar licensee that is:

3353 (A) owned by the same person or persons as the beer-only restaurant licensee; and

3354 (B) located immediately adjacent to the premises of the beer-only restaurant licensee;

3355 and

3356 (b) any instrument or equipment used to dispense the beer is located in an area

3357 described in Subsection (11)(a).

3358 (12) (a) A beer-only restaurant licensee may have more than one dispensing area in the

3359 licensed premises.

3360 (b) Each dispensing area in a licensed premises may satisfy the requirements for a

3361 dispensing area under Subsection [32B-6-902\(1\)\(b\)\(i\)\(A\)](#), (B), or (C), regardless of how any

3362 other dispensing area in the licensed premises satisfies the requirements for a dispensing area.

3363 (13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or

3364 from a movable cart.

3365 (14) (a) In addition to the requirements described in Section [32B-5-302](#), a beer-only

3366 restaurant licensee shall maintain each of the following records for at least three years:

3367 (i) a record required by Section [32B-5-302](#); and

3368 (ii) a record that the commission requires a beer-only restaurant licensee to use or

3369 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative

3370 Rulemaking Act.

3371 (b) The department shall audit the records of a beer-only restaurant licensee at least

3372 once [~~each calendar year~~] annually.

3373 (15) (a) In accordance with Section [32B-6-905.2](#), a beer-only restaurant licensee:

3374 (i) may comply with the provisions of this section beginning on or after July 1, 2017;

3375 and

3376 (ii) shall comply with the provisions of this section:

3377 (A) for a beer-only restaurant licensee that does not have a grandfathered bar structure,

3378 on and after July 1, 2018; or

3379 (B) for a beer-only restaurant licensee that has a grandfathered bar structure, on and

3380 after July 1, 2022.

3381 (b) A beer-only restaurant licensee that elects to comply with the provisions of this

3382 section before the latest applicable date described in Subsection (15)(a)(ii):

3383 (i) shall comply with each provision of this section; and

3384 (ii) is not required to comply with the provisions of Section [32B-6-905](#).

3385 Section 41. Section **32B-6-905.2** is amended to read:

3386 **32B-6-905.2. Transition process for beer-only restaurant licensees.**

3387 (1) For a beer-only restaurant license issued on or after July 1, 2017, the beer-only

3388 restaurant licensee shall comply with the provisions of Section [32B-6-905.1](#).

3389 (2) For a beer-only restaurant license issued before July 1, 2017, before the beer-only

3390 restaurant licensee changes the beer-only restaurant licensee's approved location for storage,

3391 dispensing, or consumption to comply with the provisions of Section [32B-6-905.1](#), the

3392 beer-only restaurant licensee shall submit an application for approval to the department in

3393 accordance with Subsection [32B-5-303](#)(3).

3394 (3) (a) Except as provided in Subsection (4), a person who holds a beer-only restaurant

3395 license issued before July 1, 2017, shall comply with the provisions of Section [32B-6-905.1](#) on

3396 or before July 1, 2018.

3397 (b) A beer-only restaurant licensee described in Subsection (3)(a) that cannot comply

3398 with the provisions of Section [32B-6-905.1](#) without a change to the beer-only restaurant

3399 licensee's approved location for storage, dispensing, or consumption:

3400 (i) may submit an application for approval described in Subsection (2) on or after May

3401 9, 2017; and

3402 (ii) shall submit an application for approval described in Subsection (2) on or before

3403 May 1, 2018.

3404 (c) If a beer-only restaurant licensee described in Subsection (3)(a) submits an

3405 application for approval described in Subsection (2) on May 9, 2017, the department shall take
3406 action on the application on or before July 1, 2017.

3407 (4) (a) A person who holds a beer-only restaurant license issued before July 1, 2017,
3408 and has a grandfathered bar structure shall comply with the provisions of Section [32B-6-905.1](#)
3409 on or before the earlier of:

3410 (i) July 1, 2022;

3411 (ii) the date on which the beer-only restaurant licensee remodels, as defined by
3412 commission rule made in accordance with Title 63G, Chapter 3, Utah Administrative
3413 Rulemaking Act, the beer-only restaurant licensee's grandfathered bar structure or dining area;
3414 or

3415 (iii) the date on which the beer-only restaurant licensee experiences a change of
3416 ownership described in Subsection [~~32B-8a-202~~] [32B-18-202](#)(1).

3417 (b) A beer-only restaurant licensee described in Subsection (4)(a) that cannot comply
3418 with the provisions of Section [32B-6-905.1](#) without a change to the beer-only restaurant
3419 licensee's approved location for storage, dispensing, or consumption:

3420 (i) may submit an application for approval described in Subsection (2) on or after May
3421 9, 2017; and

3422 (ii) shall submit an application for approval described in Subsection (2) on or before
3423 May 1, 2022.

3424 Section 42. Section **32B-6-1005** is amended to read:

3425 **32B-6-1005. Specific operational requirements for hospitality amenity license.**

3426 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
3427 Requirements, a hospitality amenity licensee and staff of the hospitality amenity licensee shall
3428 comply with this section.

3429 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
3430 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

3431 (i) the hospitality amenity licensee;

3432 (ii) individual staff of the hospitality amenity licensee; or

3433 (iii) both the hospitality amenity licensee and staff of the hospitality amenity licensee.

3434 (2) (a) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic
3435 product:

- 3436 (i) to a hospitality guest; and
- 3437 (ii) for consumption in or on the hospitality amenity licensee's licensed premises.
- 3438 (b) (i) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic
- 3439 product that is not spirituous liquor in or on:
- 3440 (A) licensed premises physically separated from an area to which a hospitality guest or
- 3441 the public has access by a permanent or temporary structure or barrier; or
- 3442 (B) licensed premises described in Subsection (2)(b)(ii).
- 3443 (ii) A hospitality amenity licensee may sell, offer for sale, or furnish spirituous liquor
- 3444 in or on licensed premises that:
- 3445 (A) allows access only through the use of a key or code; and
- 3446 (B) fills the entirety of a physically and permanently enclosed area within the hotel or
- 3447 resort.
- 3448 (c) Spirituous liquor may not be in or on the licensed premises described in Subsection
- 3449 (2)(b)(i)(A) of a hospitality amenity licensee, except for use:
- 3450 (i) as a flavoring on a dessert; and
- 3451 (ii) in the preparation of a flaming food dish or dessert.
- 3452 (d) A hospitality amenity licensee may not allow self-service of an alcoholic product in
- 3453 or on the hospitality amenity licensee's licensed premises.
- 3454 (3) (a) Subject to Subsections (3)(b) and (c), a hospitality guest may not have more
- 3455 than two alcoholic products of any kind at a time before the hospitality guest.
- 3456 (b) A hospitality guest may not have more than one spirituous liquor drink at a time
- 3457 before the hospitality guest.
- 3458 (c) An individual portion of wine is considered to be one alcoholic product under
- 3459 Subsection (3)(a).
- 3460 (4) A hospitality amenity licensee shall make food available at all times that the
- 3461 licensee sells, offers for sale, furnishes, or allows the consumption of an alcoholic product on
- 3462 the licensed premises.
- 3463 (5) (a) A hospitality amenity licensee may not sell, offer for sale, or furnish an
- 3464 alcoholic product any day during a period that:
- 3465 (i) begins at 1:00 a.m.; and
- 3466 (ii) ends at 9:59 a.m.

3467 (b) A hospitality amenity licensee shall remain open for one hour after the licensee
3468 ceases to sell and furnish an alcoholic product, during which time a hospitality guest in or on
3469 the hospitality amenity licensed premises may finish consuming:

- 3470 (i) a single drink containing spirituous liquor;
3471 (ii) a single serving of wine not exceeding five ounces;
3472 (iii) a single serving of heavy beer;
3473 (iv) a single serving of beer not exceeding 26 ounces; or
3474 (v) a single serving of a flavored malt beverage.

3475 (c) A hospitality amenity licensee is not required to remain open:

- 3476 (i) after all individuals have vacated the licensee's licensed premises; or
3477 (ii) during an emergency.

3478 (6) (a) Notwithstanding Section [32B-5-305](#), a hospitality amenity licensee may provide
3479 a hospitality guest up to two single servings of an alcoholic product free of charge or at a
3480 reduced rate, if:

- 3481 (i) the alcoholic product is not a spirituous liquor; and
3482 (ii) the hospitality amenity licensee offers the alcohol product:
3483 (A) to all hospitality guests;
3484 (B) during a specific time; and
3485 (C) on the hospitality amenity licensee's licensed premises.

3486 (b) Before a hospitality amenity licensee provides an alcoholic product free of charge
3487 or at a reduced rate as described in Subsection (6)(a), the licensee shall provide the department
3488 with advance notice of the event, in accordance with commission rules that permit a licensee to
3489 provide a single notice for a reoccurring event or multiple events.

3490 (7) A hospitality amenity licensee may permit a hospitality guest to purchase an
3491 alcoholic product through a charge to the hospitality guest's lodging accommodations.

3492 (8) (a) [A] Notwithstanding Section [32B-5-307](#), a hospitality guest, or a person other
3493 than the hospitality amenity licensee or staff of the hospitality amenity licensee, may not
3494 remove an alcoholic product from the hospitality amenity licensee's licensed premises.

3495 (b) Notwithstanding Subsection [32B-5-307\(3\)](#), a hospitality guest may not bring an
3496 alcoholic product within the hospitality amenity licensee's licensed premises.

3497 (9) A hospitality amenity licensee shall display at each entrance to the licensee's

3498 licensed premises a conspicuous sign that:

3499 (a) measures at least 8-1/2 inches long and 11 inches wide; and

3500 (b) clearly states that entry is limited to individuals who are hospitality guests, as
3501 defined in this title.

3502 (10) A hospitality amenity licensee may not permit a minor to enter the licensee's
3503 licensed premises at any time during which an alcoholic product is sold, offered for sale,
3504 furnished, or consumed, unless the minor is accompanied at all times on the licensed premises
3505 by a hospitality guest.

3506 (11) A staff person of a hospitality amenity licensee shall remain on the licensed
3507 premises at all times when an alcoholic product is sold, offered for sale, furnished, or
3508 consumed in or on the licensed premises.

3509 (12) A hospitality amenity licensee may transfer an alcoholic product to or from
3510 another licensee within the boundary of the hotel or within the boundary of the resort building,
3511 if:

3512 (a) the hospitality amenity licensee and each licensee involved in the transfer tracks the
3513 transfer of the alcoholic product; and

3514 (b) the alcoholic product is in a sealed, unopened container.

3515 (13) (a) In addition to the requirements described in Section [32B-5-302](#), a hospitality
3516 amenity licensee shall maintain each of the following records for at least three years:

3517 (i) a record required under Section [32B-5-302](#); and

3518 (ii) a record that the commission requires a hospitality amenity licensee to use or
3519 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
3520 Rulemaking Act.

3521 (b) The department shall audit the records of a hospitality amenity licensee at least
3522 once [~~each calendar year~~] annually.

3523 Section 43. Section **32B-7-202** is amended to read:

3524 **32B-7-202. General operational requirements for off-premise beer retailer.**

3525 (1) (a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
3526 with the provisions of this title and any applicable rules made by the commission.

3527 (b) Failure to comply with this section may result in a suspension or revocation of a
3528 local license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3,

3529 Disciplinary Actions and Enforcement Act.

3530 (2) (a) (i) An off-premise beer retailer may not purchase, acquire, possess for the
3531 purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases
3532 from:

3533 (A) a beer wholesaler licensee; or

3534 (B) a small brewer that manufactures the beer.

3535 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.

3536 (b) (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
3537 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer
3538 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
3539 in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by
3540 the department to sell to the off-premise beer retailer as provided in Section [32B-13-301](#).

3541 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

3542 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
3543 container larger than two liters.

3544 (4) (a) Staff of an off-premise beer retailer, while on duty, may not:

3545 (i) consume an alcoholic product; or

3546 (ii) be intoxicated.

3547 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
3548 unless:

3549 (i) the sale is done under the supervision of a person 21 years [~~of age~~] old or older who
3550 is on the licensed premises; and

3551 (ii) the minor is at least 16 years [~~of age~~] old.

3552 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic
3553 product to:

3554 (a) a minor;

3555 (b) a person actually, apparently, or obviously intoxicated;

3556 (c) a known interdicted person; or

3557 (d) a known habitual drunkard.

3558 (6) (a) Subject to the other provisions of this Subsection (6), an off-premise beer
3559 retailer shall:

3560 (i) display all beer accessible by and visible to a patron in no more than two locations
3561 on the retail sales floor, each of which is:

3562 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
3563 beverage displayed; and

3564 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler
3565 with a door from which the nonalcoholic beverages are not accessible, or the beer is separated
3566 from the display of nonalcoholic beverages by a display of one or more nonbeverage products
3567 or another physical divider; and

3568 (ii) display a sign in the area described in Subsection (6)(a)(i) that:

3569 (A) is prominent;

3570 (B) is easily readable by a consumer;

3571 (C) meets the requirements for format established by the commission by rule; and

3572 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain
3573 alcohol. Please read the label carefully."

3574 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
3575 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.

3576 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
3577 labeled, packaged, or advertised as:

3578 (i) a malt cooler; or

3579 (ii) a beverage that may provide energy.

3580 (d) A violation of this Subsection (6) is an infraction.

3581 (e) (i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i)
3582 apply on and after May 9, 2017.

3583 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
3584 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.

3585 (7) (a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
3586 who sells beer to a patron for consumption off the premises of the off-premise beer retailer
3587 shall wear a unique identification badge:

3588 (i) on the front of the staff's clothing;

3589 (ii) visible above the waist;

3590 (iii) bearing the staff's:

- 3591 (A) first or last name;
- 3592 (B) initials; or
- 3593 (C) unique identification in letters or numbers; and
- 3594 (iv) with the number or letters on the unique identification badge being sufficiently
- 3595 large to be clearly visible and identifiable while engaging in or directly supervising the retail
- 3596 sale of beer.
- 3597 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 3598 unique identification badge assigned by the off-premise beer retailer that includes the staff's:
- 3599 (i) full name;
- 3600 (ii) address; and
- 3601 (iii) (A) driver license number; or
- 3602 (B) similar identification number.
- 3603 (c) An off-premise beer retailer shall make available a record required to be made or
- 3604 maintained under this Subsection (7) for immediate inspection by:
- 3605 (i) a peace officer;
- 3606 (ii) a representative of the local authority that issues the off-premise beer retailer
- 3607 license; or
- 3608 (iii) for an off-premise beer retailer state license, a representative of the commission or
- 3609 department.
- 3610 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 3611 retailer that does not comply or require its staff to comply with this Subsection (7).
- 3612 (8) (a) An off-premise beer retailer may sell, offer for sale, or furnish beer through a
- 3613 drive through window.
- 3614 (b) Subsection (8)(a) does not modify the display limitations and requirements
- 3615 described in Subsection (6).
- 3616 (9) An off-premise beer retailer may not on the licensed premises:
- 3617 (a) engage in or permit any form of:
- 3618 (i) gambling, as defined in Section [76-10-1101](#); or
- 3619 (ii) fringe gambling, as defined in Section [76-10-1101](#);
- 3620 (b) have any fringe gaming device, video gaming device, or gambling device or record
- 3621 as defined in Section [76-10-1101](#); or

3622 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
3623 the risking of something of value for a return or for an outcome when the return or outcome is
3624 based upon an element of chance, excluding the playing of an amusement device that confers
3625 only an immediate and unrecorded right of replay not exchangeable for value.

3626 (10) An off-premise beer retailer may not knowingly allow a person on the licensed
3627 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter
3628 37a, Utah Drug Paraphernalia Act:

3629 (a) sell, distribute, possess, or use a controlled substance, as defined in Section
3630 58-37-2; or

3631 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
3632 Section 58-37a-3.

3633 Section 44. Section **32B-7-305** is amended to read:

3634 **32B-7-305. Tracking of enforcement actions -- Costs of enforcement actions.**

3635 ~~[(1) A local authority that pursuant to this part adjudicates an administrative penalty for~~
3636 ~~a violation of a law involving the sale of an alcoholic product to a minor, shall:]~~

3637 ~~[(a) maintain a record of an adjudicated violation until the record is expunged under~~
3638 ~~Subsection (3);]~~

3639 ~~[(b) include in the record described in Subsection (1)(a):]~~

3640 ~~[(i) the name of the individual who commits the violation;]~~

3641 ~~[(ii) the name of the off-premise beer retailer for whom the individual is a staff~~
3642 ~~member at the time of the violation; and]~~

3643 ~~[(iii) the date of the adjudication of the violation; and]~~

3644 ~~[(c) provide the information described in Subsection (1)(b) to the Department of Public~~
3645 ~~Safety within 30 days of the date on which a violation is adjudicated.]~~

3646 ~~[(2) (a) The Department of Public Safety shall develop and operate a system to collect,~~
3647 ~~analyze, maintain, track, and disseminate the violation history information received under~~
3648 ~~Subsection (1):]~~

3649 ~~[(b) The Department of Public Safety shall make the system described in Subsection~~
3650 ~~(2)(a) available to:]~~

3651 ~~[(i) assist a local authority in assessing administrative penalties under Section~~
3652 ~~32B-7-303; and]~~

3653 ~~[(ii) inform an off-premise beer retailer of an individual who has an administrative~~
3654 ~~violation history under Section 32B-7-303.]~~

3655 ~~[(c) The Department of Public Safety shall maintain a record of violation history~~
3656 ~~information received pursuant to Subsection (1) until the record is expunged under Subsection~~
3657 ~~(3).]~~

3658 ~~[(3)(a) A local authority and the Department of Public Safety shall expunge from the~~
3659 ~~records maintained an administrative penalty imposed under Section 32B-7-303 for purposes of~~
3660 ~~determining future administrative penalties under Section 32B-7-303 if the individual has not~~
3661 ~~been found in violation of any law involving the sale of an alcoholic product to a minor for a~~
3662 ~~period of 36 consecutive months from the day on which the individual is last adjudicated as~~
3663 ~~violating a law involving the sale of an alcoholic product to a minor.]~~

3664 ~~[(b) A local authority shall expunge from the records maintained by the local authority~~
3665 ~~an administrative penalty imposed under Section 32B-7-303 against an off-premise beer~~
3666 ~~retailer for purposes of determining future administrative penalties under Section 32B-7-303 if~~
3667 ~~the off-premise beer retailer or any staff of that off-premise beer retailer has not been found in~~
3668 ~~violation of any law involving the sale of an alcoholic product to a minor for a period of 36~~
3669 ~~consecutive months from the day on which the off-premise beer retailer or staff of the~~
3670 ~~off-premise beer retailer is last adjudicated as violating a law involving the sale of an alcoholic~~
3671 ~~product to a minor.]~~

3672 ~~[(4)]~~ (1) The Department of Public Safety shall administer a program to reimburse a
3673 municipal or county law enforcement agency:

3674 (a) for the actual costs of an alcohol-related compliance check investigation conducted
3675 pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;

3676 (b) for administrative costs associated with reporting the compliance check
3677 investigation described in Subsection ~~[(4)]~~ (1)(a);

3678 (c) if the municipal or county law enforcement agency completes and submits to the
3679 Department of Public Safety a report within 90 days ~~[of]~~ after the day on which the compliance
3680 check investigation described in Subsection ~~[(4)]~~ (1)(a) occurs in a format required by the
3681 Department of Public Safety; and

3682 (d) in the order that the municipal or county law enforcement agency submits the report
3683 required by Subsection ~~[(4)]~~ (1)(c) until the amount allocated by the Department of Public

3684 Safety to reimburse a municipal or county law enforcement agency is spent.

3685 ~~[(5) The Department of Public Safety shall report to the Utah Substance Use and~~
3686 ~~Mental Health Advisory Council by no later than October 1 following a fiscal year on the~~
3687 ~~following funded during the prior fiscal year:]~~

3688 ~~[(a) compliance check investigations reimbursed under Subsection (4); and]~~

3689 ~~[(b) the collection, analysis, maintenance, tracking, and dissemination of violation~~
3690 ~~history information described in Subsection (2).]~~

3691 (2) By no later than October 1 of each year, the Department of Public Safety shall
3692 report to the Utah Substance Use and Mental Health Advisory Council on the compliance
3693 check investigations:

3694 (a) funded during the previous fiscal year; and

3695 (b) reimbursed under Subsection (1).

3696 Section 45. Section **32B-8-201** is amended to read:

3697 **32B-8-201. Commission's power to issue a resort license.**

3698 (1) Before a person as a resort under a single license may store, sell, offer for sale,
3699 furnish, or allow the consumption of an alcoholic product on sublicense premises, the person
3700 shall first obtain a resort license from the commission in accordance with this part.

3701 (2) (a) The commission may issue to a person a resort license to allow the storage, sale,
3702 offer for sale, furnishing, and consumption of an alcoholic product in connection with a resort
3703 designated in the resort license if the person operates at least four sublicenses under the resort
3704 license.

3705 (b) A resort license shall:

3706 (i) consist of:

3707 (A) a general resort license; and

3708 (B) four or more sublicenses; and

3709 (ii) designate the boundary of the resort building.

3710 (c) This chapter does not prohibit an alcoholic product in or on the boundary of the
3711 resort building to the extent otherwise permitted by this title.

3712 (3) The commission may not issue a total number of resort licenses that at any time
3713 totals more than ~~[four]~~ eight.

3714 Section 46. Section **32B-8b-301** is amended to read:

3715 **32B-8b-301. Specific operational requirements for hotel license.**

3716 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
3717 Requirements, a hotel licensee, staff of the hotel licensee, and a sublicensee or person
3718 otherwise operating under a sublicense shall comply with this section.

3719 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
3720 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

3721 (i) the hotel licensee;

3722 (ii) individual staff of the hotel licensee;

3723 (iii) a sublicensee or person otherwise operating under a sublicense of the hotel
3724 licensee;

3725 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense
3726 of the hotel licensee; or

3727 (v) any combination of the persons listed in this Subsection (1)(b).

3728 (2) (a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product
3729 except:

3730 (i) on sublicensed premises;

3731 (ii) pursuant to a permit issued under this title; or

3732 (iii) under a package agency agreement with the department, subject to Chapter 2, Part
3733 6, Package Agency.

3734 (b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as
3735 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:

3736 (i) if on sublicensed premises, in accordance with the operational requirements
3737 described in Section [32B-8d-104](#);

3738 (ii) if under a permit issued under this title, in accordance with the operational
3739 requirements under the provisions applicable to the permit; and

3740 (iii) if as a package agency, in accordance with the contract with the department and
3741 Chapter 2, Part 6, Package Agency.

3742 (c) Notwithstanding the other provisions of this Subsection (2) and except as provided
3743 in Section [32B-8d-104](#), a hotel licensee may not permit a patron to carry an alcoholic product
3744 off the premises of a sublicense in violation of Section [32B-5-307](#) or off an area designated
3745 under a permit.

3746 (3) A hotel licensee shall supervise and direct a person involved in the sale, offer for
3747 sale, or furnishing of an alcoholic product under a hotel license.

3748 (4) (a) Room service of an alcoholic product to a lodging accommodation of a hotel
3749 licensee shall be provided in person by staff of the hotel licensee only to an adult occupant in
3750 the lodging accommodation.

3751 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
3752 by an occupant.

3753 (5) A hotel licensee shall operate in a manner so that at least 70% of the annual
3754 aggregate of the gross receipts related to the sale of food or beverages for the hotel license and
3755 each of the hotel license's sublicenses is from the sale of food, not including:

3756 (a) mix for an alcoholic product; and

3757 (b) a charge in connection with the service of an alcoholic product.

3758 Section 47. Section **32B-8c-202** is amended to read:

3759 **32B-8c-202. Specific licensing requirements for arena license.**

3760 (1) To obtain an arena license, in addition to complying with Chapter 5, Part 2, Retail
3761 Licensing Process, a person shall submit with the person's written application:

3762 (a) evidence:

3763 (i) of proximity of the arena to any community location;

3764 (ii) that each proposed sublicense premises is entirely within the arena; and

3765 (iii) that the building designated in the application as the arena qualifies as an arena;

3766 and

3767 (b) a description and map of the arena.

3768 (2) (a) An arena license expires on October 31 of each year.

3769 (b) To renew a person's arena license, the person shall comply with the requirements of
3770 Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

3771 (3) (a) The nonrefundable application fee for an arena license is \$500.

3772 (b) The initial license fee for an arena license is calculated as follows:

3773 (i) if the person applies for three sublicenses under the arena license, \$5,000; or

3774 (ii) if the person applies for more than three sublicenses under the arena license, the
3775 sum of:

3776 (A) \$5,000; and

3777 (B) \$1,000 for each sublicense in excess of three sublicenses for which the person
3778 applies.

3779 (c) The renewal fee for an arena license is \$1,000 plus \$1,000 for each sublicense
3780 under the arena license.

3781 (4) (a) The bond amount required for an arena license is the penal sum of \$100,000.

3782 (b) An arena licensee is not required to have a separate bond for each sublicense,
3783 except that the aggregate of the bonds posted by the arena licensee shall cover each sublicense
3784 under the arena license.

3785 (5) [~~In accordance with Subsection 32B-8d-103(4)~~] Except as prohibited in Subsection
3786 32B-1-202.1(4), an arena may request to add a sublicense after the commission issues the arena
3787 licensee's arena license, in accordance with Subsection 32B-8d-103(4).

3788 Section 48. Section **32B-8d-102** is amended to read:

3789 **32B-8d-102. Definitions.**

3790 As used in this chapter:

3791 [~~(1) "Resident" means the same as that term is defined in Section 32B-8-102.~~]

3792 (1) "Boundary of a hotel" means the same as that term is defined in Section
3793 32B-8b-102.

3794 (2) "Boundary of a resort building" means the same as that term is defined in Section
3795 32B-8b-102.

3796 (3) "Hotel" means the same as that term is defined in Section 32B-8b-102.

3797 [~~(2)~~] (4) "Resort building" means the same as that term is defined in Section
3798 32B-8-102.

3799 [~~(3)~~] (5) [~~"Resort spa"~~] "Spa" means a spa:

3800 (a) as the commission defines by rule made in accordance with Title 63G, Chapter 3,
3801 Utah Administrative Rulemaking Act; and

3802 (b) that is within the:

3803 (i) boundary of a resort building[-]; or

3804 (ii) boundary of a hotel.

3805 Section 49. Section **32B-8d-103** is amended to read:

3806 **32B-8d-103. Commission's power to issue a sublicense.**

3807 (1) Before a person as a sublicensee may store, sell, offer for sale, furnish, or allow the

3808 consumption of an alcoholic product on sublicensed premises, the person shall first obtain a
3809 sublicense from the commission in accordance with:

- 3810 (a) this chapter;
- 3811 (b) Chapter 8, Resort License Act;
- 3812 (c) Chapter 8b, Hotel License Act; and
- 3813 (d) Chapter 8c, Arena License Act.

3814 (2) (a) The commission may issue to a person a sublicense to allow the storage, sale,
3815 offering for sale, furnishing, or consumption of an alcoholic product on the premises of the
3816 sublicense, if the person is:

- 3817 (i) a principal licensee; or
- 3818 (ii) a person seeking a principal license, contingent on the issuance of the principal
3819 license.

3820 (b) The commission may not:

- 3821 (i) issue a sublicense that is separate from a principal license; or
- 3822 (ii) issue a single sublicense that covers more than one outlet in or on the boundaries of
3823 the principal licensee.

3824 (3) (a) ~~[Subject to Subsections (3)(b) and (c)]~~ Except as provided in Subsection (3)(b),
3825 when determining the total number of licenses the commission has issued for each type of retail
3826 license, the commission may not include a sublicense as one of the retail licenses issued under
3827 the provisions applicable to that sublicense.

3828 ~~[(b) If a principal license includes a bar establishment sublicense that before the~~
3829 ~~issuance of the principal license was a bar establishment license, the commission shall include~~
3830 ~~the bar establishment sublicense as a bar establishment license in calculating the total number~~
3831 ~~of licenses issued under the provisions applicable to a bar establishment license.]~~

3832 ~~[(c)]~~ (b) If a resort license includes a sublicense that before the issuance of the resort
3833 license was a retail license that was not a bar establishment license, the commission shall
3834 include the sublicense as a license in calculating the total number of licenses issued under the
3835 provisions applicable to the sublicense.

3836 (4) If a principal licensee seeks to add a sublicense after the commission issues the
3837 person's principal license, the principal licensee shall file with the department:

- 3838 (a) a nonrefundable \$300 application fee;

- 3839 (b) an initial license fee of \$2,250, which the commission shall refund if the
3840 commission does not issue the proposed sublicense;
- 3841 (c) written consent of the local authority;
- 3842 (d) a copy of:
- 3843 (i) the principal licensee's current business; and
- 3844 (ii) the proposed sublicensee's current business license, if the relevant political
3845 subdivision determines that the proposed sublicensee's business license is separate from the
3846 principal licensee's business license;
- 3847 (e) evidence that the proposed sublicensed premises is entirely within the boundary of
3848 the principal license;
- 3849 (f) a description, floor plan, and boundary map of the proposed sublicensed premises
3850 designating:
- 3851 (i) each location at which the principal licensee proposes that an alcoholic product be
3852 stored; and
- 3853 (ii) each location from which the principal licensee proposes that an alcoholic product
3854 be sold, furnished, or consumed;
- 3855 (g) evidence that the principal licensee carries:
- 3856 (i) public liability insurance in an amount and form satisfactory to the department; and
3857 (ii) dramshop insurance coverage in the amount required by Section 32B-5-201 that
3858 covers the proposed sublicense;
- 3859 (h) a signed consent form stating that the principal licensee will permit any authorized
3860 representative of the commission or department, or any law enforcement officer, to have an
3861 unrestricted right to enter the proposed sublicensed premises;
- 3862 (i) if the principal licensee is an entity, proper verification evidencing that a person
3863 who signs the application is authorized to sign on behalf of the entity; and
- 3864 (j) any other information the commission or department may require.

3865 Section 50. Section **32B-8d-104** is amended to read:

3866 **32B-8d-104. General operational requirements for a sublicense.**

- 3867 (1) Except as provided in Subsections (2) through (4), a person operating under a
3868 sublicense is subject to the operational requirements under the provisions applicable to the
3869 sublicense.

3870 (2) Notwithstanding a requirement in the provisions applicable to the sublicense, a
3871 person operating under the sublicense is not subject to a requirement that a certain percentage
3872 of the gross receipts for the sublicense be from the sale of food, except to the extent that the
3873 gross receipts for the sublicense are included in calculating the percentages under Subsections
3874 32B-8-401(3), 32B-8b-301(5), and 32B-8c-301(3).

3875 (3) Notwithstanding Sections 32B-6-202 and 32B-6-302, a bar structure in a
3876 sublicensed premises operated under a full-service restaurant sublicense or a limited-service
3877 restaurant sublicense is considered a grandfathered bar structure if the sublicense is a
3878 sublicense to a resort license issued on or before December 31, 2010.

3879 (4) Notwithstanding Section 32B-5-307:

3880 (a) a patron may transport beer between the sublicensed premises of an arena licensee's
3881 accompanying sublicenses, if the patron transports the beer from and to an area of each
3882 sublicensed premises:

3883 (i) that is adjacent to the other; and

3884 (ii) where the consumption of beer is permitted; and

3885 (b) staff of a sublicensee or person otherwise operating under a sublicense of a hotel
3886 licensee or a resort licensee may transport an alcoholic beverage from and to sublicensed
3887 premises of the hotel license or resort license, if:

3888 (i) the sublicensee is:

3889 (A) a full-service restaurant sublicensee;

3890 (B) a limited-service restaurant sublicensee;

3891 (C) a bar establishment sublicensee;

3892 (D) a beer-only restaurant sublicensee; or

3893 (E) an on-premise beer retailer sublicensee;

3894 (ii) the individual staff carries the alcoholic beverage:

3895 (A) from the sublicensed premises of a sublicensee described in Subsection (4)(b)(i);

3896 (B) briefly through an unlicensed area or briefly through sublicensed premises on

3897 which the type of alcoholic beverage that the individual staff carries is permitted; and

3898 (C) to the sublicensed premises of a sublicensee described in Subsection (4)(b)(i); and

3899 (iii) the individual staff at all times stays within:

3900 (A) the boundary of the hotel~~[- as defined in Section 32B-8b-102]~~; or

3901 (B) the boundary of the resort building~~[, as defined in Section 32B-8-102]~~.

3902 (5) Except as provided in Section 32B-8-502, for purposes of interpreting an
3903 operational requirement imposed by the provisions applicable to a sublicense:

3904 (a) a requirement imposed on a sublicensee or person operating under a sublicense
3905 applies to the principal licensee; and

3906 (b) a requirement imposed on staff of a sublicensee or person operating under a
3907 sublicense applies to staff of the principal licensee.

3908 Section 51. Section 32B-8d-201 is amended to read:

3909 **32B-8d-201. Title.**

3910 This part is known as "[Resort] Spa Sublicense."

3911 Section 52. Section 32B-8d-202 is amended to read:

3912 **32B-8d-202. Commission's power to issue a spa sublicense.**

3913 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
3914 an alcoholic product on the person's premises as a [resort] spa sublicensee, a resort licensee, a
3915 hotel licensee, or a person applying for a resort license or a hotel license shall first obtain a
3916 [resort] spa sublicense from the commission in accordance with this part.

3917 (2) The commission may only issue a [resort] spa sublicense to:

3918 (a) a resort licensee; ~~[or]~~

3919 (b) a hotel licensee;

3920 ~~[(b)]~~ (c) a person applying for a resort license, contingent on the issuance of the resort
3921 license[-]; or

3922 (d) a person applying for a hotel license, contingent on the issuance of the hotel license.

3923 (3) ~~[The resort]~~ A spa sublicense premises shall fall entirely within the:

3924 (a) boundary of a resort building that is part of the resort to which the [resort] spa
3925 sublicense is connected[-]; or

3926 (b) boundary of a hotel that is part of the hotel to which the spa sublicense is
3927 connected.

3928 Section 53. Section 32B-8d-203 is amended to read:

3929 **32B-8d-203. Specific licensing requirements for spa sublicense.**

3930 (1) (a) In accordance with Subsection 32B-8d-103(2), a person may not file a written
3931 application with the department to obtain a [resort] spa sublicense that is separate from the

3932 person's application [of the] for a resort license or a hotel license, unless the person seeks the
3933 [resort] spa sublicense after the commission issues the person a resort license or a hotel license.

3934 (b) If a resort licensee or a hotel licensee seeks to add a [resort] spa sublicense after
3935 [its] the licensee's resort license or hotel license is issued, the [resort] licensee shall comply
3936 with Subsection 32B-8d-103(4).

3937 (2) (a) A [resort] spa sublicense expires on October 31 of each year.

3938 (b) ~~[A resort licensee desiring to renew the resort licensee's resort]~~ To renew a spa
3939 sublicense, the corresponding resort licensee or hotel licensee shall renew the [resort] spa
3940 sublicense as part of renewing the licensee's resort license or hotel license.

3941 (c) (i) Failure of a resort licensee to meet the renewal requirements for a resort license
3942 results in an automatic forfeiture of the [resort] spa sublicense effective [on the date] the day on
3943 which the resort license expires.

3944 (ii) Failure of a hotel licensee to meet the renewal requirements for a hotel license
3945 results in an automatic forfeiture of the spa sublicense effective the day on which the hotel
3946 license expires.

3947 Section 54. Section **32B-8d-204** is amended to read:

3948 **32B-8d-204. Specific qualifications for a spa sublicense.**

3949 (1) A person employed to act in a supervisory or managerial capacity for the [resort]
3950 spa sublicense is subject to qualification requirements of Section 32B-1-304 for licensees.

3951 (2) If a person no longer possesses the qualifications required by Section 32B-1-304 for
3952 obtaining the [resort license or resort] spa sublicense or the corresponding resort license or
3953 hotel license, the commission may suspend or revoke the [resort] spa sublicense that is part of
3954 the resort license or hotel license.

3955 Section 55. Section **32B-8d-205** is amended to read:

3956 **32B-8d-205. Specific operational requirements for a spa sublicense.**

3957 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
3958 Requirements, a resort licensee [and], staff of the resort licensee, a hotel licensee, and staff of
3959 the hotel licensee, shall comply with this section.

3960 (b) A [resort] spa sublicensee or a person otherwise operating under a [resort] spa
3961 sublicense and staff of a [resort] spa sublicensee or a person otherwise operating under a
3962 [resort] spa sublicense shall comply with:

3963 (i) Chapter 5, Part 3, Retail Licensee Operational Requirements as if the [resort] spa
3964 sublicensee is a retail licensee, unless a provision conflicts with this chapter; and

3965 (ii) this chapter.

3966 (c) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
3967 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and
3968 Enforcement Act, against:

3969 (i) a resort licensee;

3970 (ii) staff of [~~the~~] a resort licensee;

3971 (iii) a hotel licensee;

3972 (iv) staff of a hotel licensee;

3973 [~~(iii)~~] (v) a [resort] spa sublicensee or person otherwise operating under a [resort] spa
3974 sublicensee;

3975 [~~(iv)~~] (vi) individual staff of a [resort] spa sublicensee or person otherwise operating
3976 under a [resort] spa sublicensee; or

3977 [~~(v)~~] (vii) any combination of the persons listed in Subsections (1)(c)(i) through [~~(iv)~~]
3978 (vi).

3979 (2) (a) For purposes of the [resort] spa sublicensee, the corresponding resort licensee or
3980 hotel licensee shall ensure that a record is maintained or used for the [resort] spa sublicensee:

3981 (i) as the department requires; and

3982 (ii) for a minimum period of three years.

3983 (b) A [resort] spa sublicensee record is subject to inspection by an authorized
3984 representative of the commission and the department.

3985 (c) A resort licensee or a hotel licensee shall allow the department, through a
3986 compliance officer of the department, to audit the records for a [resort] spa sublicensee at the
3987 times the department considers advisable.

3988 (d) The department shall audit the records for a [resort] spa sublicensee at least once
3989 annually.

3990 (e) Section 32B-1-205 applies to a record required to be made, maintained, or used in
3991 accordance with this Subsection (2).

3992 (3) (a) A [resort] spa sublicensee or person operating under a [resort] spa sublicensee
3993 may not sell, offer for sale, or furnish liquor at a [resort] spa during a period that:

- 3994 (i) begins at 1 a.m.; and
3995 (ii) ends at 9:59 a.m.
- 3996 (b) A [resort] spa sublicensee or person operating under a [resort] spa sublicense may
3997 sell, offer for sale, or furnish beer during the hours specified in Chapter 6, Part 7, On-Premise
3998 Beer Retailer License, for an on-premise beer retailer.
- 3999 (c) (i) Notwithstanding Subsections (3)(a) and (b), a [resort] spa shall remain open for
4000 one hour after the [resort] spa ceases the sale and furnishing of an alcoholic product during
4001 which time a person at the [resort] spa may finish consuming:
- 4002 (A) a single drink containing spirituous liquor;
4003 (B) a single serving of wine not exceeding five ounces;
4004 (C) a single serving of heavy beer;
4005 (D) a single serving of beer not exceeding 26 ounces; or
4006 (E) a single serving of a flavored malt beverage.
- 4007 (ii) A [resort] spa is not required to remain open:
4008 (A) after all individuals have vacated the [resort] spa sublicensee's sublicensed
4009 premises; or
4010 (B) during an emergency.
- 4011 (4) (a) A minor may not be admitted into, use, or be on the sublicensed premises of a
4012 [resort] spa sublicense unless accompanied by an individual 21 years [of age] old or older.
- 4013 (b) A minor permitted under Subsection (4)(a) to be admitted into, use, or be on the
4014 sublicensed premises of a [resort] spa sublicense:
- 4015 (i) may only be admitted into or be on a lounge or bar area of the [resort] spa
4016 sublicensee's sublicensed premises momentarily while en route to another area of the [resort]
4017 spa; and
4018 (ii) may not remain or sit in the lounge or bar area of the [resort] spa sublicensee's
4019 sublicensed premises.
- 4020 (5) A [resort] spa sublicensee shall have food available at all times when an alcoholic
4021 product is sold, offered for sale, furnished, or consumed on the [resort] spa sublicensee's
4022 sublicensed premises.
- 4023 (6) (a) Subject to the other provisions of this Subsection (6), a patron may not have
4024 more than two alcoholic products of any kind at a time before the patron.

4025 (b) A [resort] spa patron may not have two spirituous liquor drinks before the [resort]
4026 spa patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor
4027 for the other spirituous liquor drink.

4028 (c) An individual portion of wine is considered to be one alcoholic product under this
4029 Subsection (6).

4030 (7) (a) An alcoholic product may only be consumed at a table or counter.

4031 (b) An alcoholic product may not be served to or consumed by a patron at a dispensing
4032 structure.

4033 (8) (a) A [resort] spa sublicensee or person operating under a [resort] spa sublicense
4034 shall have available on the [resort] spa sublicense's sublicensed premises for a patron to review
4035 at the time that the patron requests it, a written alcoholic product price list or a menu containing
4036 the price of an alcoholic product sold or furnished by the [resort] spa sublicensee including:

4037 (i) a set-up charge;

4038 (ii) a service charge; or

4039 (iii) a chilling fee.

4040 (b) A charge or fee made in connection with the sale, service, or consumption of liquor
4041 may be stated in food or alcoholic product menus including:

4042 (i) a set-up charge;

4043 (ii) a service charge; or

4044 (iii) a chilling fee.

4045 (9) (a) A resort licensee or hotel licensee shall own or lease premises suitable for the
4046 [resort] spa sublicense's activities.

4047 (b) A resort licensee or hotel licensee may not maintain premises in a manner that
4048 barricades or conceals the [resort] spa sublicense's operation.

4049 (10) Subject to the other provisions of this section, a [resort] spa sublicensee or person
4050 operating under a [resort] spa sublicense may not sell an alcoholic product to or allow an
4051 individual to be admitted to or use the [resort] spa sublicensee's sublicensed premises other
4052 than:

4053 (a) a resident; or

4054 (b) a customer.

4055 Section 56. Section **32B-9-303** is amended to read:

4056 **32B-9-303. Director's power to issue single event permit.**

4057 (1) Before a person may sell, offer for sale, or furnish liquor at retail for on-premise
4058 consumption at an event, the person shall first obtain a single event permit from the director in
4059 accordance with this part.

4060 (2) (a) Subject to Subsection (5), the director may issue a single event permit to any of
4061 the following that is conducting a convention, civic, or community enterprise, a bona fide:

4062 (i) partnership;

4063 (ii) corporation;

4064 (iii) limited liability company;

4065 (iv) religious organization;

4066 (v) political organization;

4067 (vi) incorporated association;

4068 (vii) recognized subordinate lodge, chapter, or other local unit of an entity described in
4069 this Subsection (2)(a);

4070 (viii) state agency; or

4071 (ix) political subdivision of the state.

4072 (b) The director may not issue a single event permit to an entity that has not been in
4073 existence as a bona fide entity for at least one year before the day on which the entity applies
4074 for a single event permit.

4075 (3) (a) A single event permit may authorize:

4076 (i) the storage, sale, offering for sale, furnishing, and consumption of liquor at an event
4077 at which the storage, sale, offering for sale, furnishing, or consumption of liquor is otherwise
4078 prohibited by this title under either:

4079 (A) a 120 hour single event permit; or

4080 (B) a 72 hour single event permit; and

4081 (ii) the storage, sale, offer for sale, furnishing, and consumption of beer at the same
4082 event for the period that the storage, sale, offer for sale, furnishing, or consumption of liquor is
4083 authorized under Subsection (3)(a)(i) for the single event permit.

4084 (b) The single event permit shall state in writing whether [it] the single event permit is:

4085 (i) a 120 hour single event permit; or

4086 (ii) a 72 hour single event permit.

4087 (4) The director may not issue more than:

4088 (a) four single event permits in any one calendar year to the same person listed in
4089 Subsection (2) if one or more of the single event permits is a 120 hour single event permit; or

4090 (b) ~~12~~ 24 single event permits in any one calendar year to the same person listed in
4091 Subsection (2) if each of the single event permits issued to that person is a 72 hour single event
4092 permit.

4093 (5) Before the director issues or denies the issuance of a single event permit under this
4094 section, the director shall comply with Section [32B-9-202](#).

4095 Section 57. Section **32B-10-206** is amended to read:

4096 **32B-10-206. General operational requirements for special use permit.**

4097 (1) (a) A special use permittee and staff of the special use permittee shall comply with
4098 this title and rules of the commission, including the relevant part of the chapter that applies to
4099 the type of special use permit held by the special use permittee.

4100 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
4101 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

4102 (i) a special use permittee;

4103 (ii) individual staff of a special use permittee; or

4104 (iii) a special use permittee and staff of the special use permittee.

4105 (c) The commission may suspend or revoke a special use permit with or without cause.

4106 (2) (a) If there is a conflict between this part and the relevant part under this chapter for
4107 the specific type of special use permit, the relevant part under this chapter governs.

4108 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," a
4109 special use permittee may only purchase, use, store, sell, offer for sale, allow consumption, or
4110 manufacture an alcoholic product authorized for the special use permit that is held by the
4111 special use permittee.

4112 (c) Notwithstanding that this part or the relevant part under this chapter for the type of
4113 special use permit held by a special use permittee refers to "special use permittee," a person
4114 involved in the purchase, use, storage, sale, offering for sale, allowing consumption, or
4115 manufacture of an alcoholic product for which the special use permit is issued is subject to the
4116 same requirement or prohibition.

4117 (3) (a) A special use permittee shall make and maintain a record, as required by

4118 commission rule, of any alcoholic product purchased, used, sold, or manufactured.

4119 (b) Section 32B-1-205 applies to a record required to be made or maintained in
4120 accordance with this Subsection (3).

4121 (4) (a) Except as otherwise provided in this title, a special use permittee may not
4122 purchase liquor except from a state store or package agency.

4123 (b) A special use permittee may transport liquor purchased by the special use permittee
4124 in accordance with this Subsection (4) from the place of purchase to the special use permittee's
4125 premises.

4126 (c) A special use permittee shall purchase liquor at prices set by the commission.

4127 (d) When authorized by a special use permit, a special use permittee may purchase and
4128 receive an alcoholic product directly from a manufacturer for a purpose that is industrial,
4129 educational, scientific, or manufacturing.

4130 (e) A health care facility may purchase and receive an alcoholic product directly from a
4131 manufacturer for use at the health care facility.

4132 (5) A special use permittee may not use, mix, store, sell, offer for sale, furnish,
4133 manufacture, or allow consumption of an alcoholic product in a location other than as
4134 designated in a special use permittee's:

4135 (a) application; or

4136 (b) change of location request, as described in Section 32B-10-305, if:

4137 (i) the special use permittee is a public service permittee; and

4138 (ii) the commission approved the special use permittee's change in location request.

4139 (6) Except as otherwise provided, a special use permittee may not sell, offer for sale, or
4140 furnish an alcoholic product to:

4141 (a) a minor;

4142 (b) a person actually, apparently, or obviously intoxicated;

4143 (c) a known interdicted person; or

4144 (d) a known habitual drunkard.

4145 (7) A special use permittee may not employ a minor to handle an alcoholic product.

4146 (8) (a) The location specified in a special use permit may not be transferred from one
4147 location to another location, except as provided in [~~Chapter 8a, Transfer of Alcohol License
4148 Act~~] Chapter 18, Part 3, Alcohol License Change of Location.

4149 (b) A special use permittee may not sell, transfer, assign, exchange, barter, give, or
4150 attempt in any way to dispose of the permit to another person whether for monetary gain or not,
4151 except as provided in [~~Chapter 8a, Transfer of Alcohol License Act~~] Chapter 18, Part 2,
4152 Alcohol License Changes of Ownership.

4153 (9) A special use permittee may not purchase, use, mix, store, sell, offer for sale,
4154 furnish, consume, or manufacture an alcoholic product for a purpose other than that authorized
4155 by the special use permit.

4156 (10) The commission may prescribe by policy or rule consistent with this title, the
4157 general operational requirements of a special use permittee relating to:

4158 (a) physical facilities;

4159 (b) conditions of purchase, use, storage, sale, consumption, or manufacture of an
4160 alcoholic product;

4161 (c) purchase, storage, and sales quantity limitations; and

4162 (d) other matters considered appropriate by the commission.

4163 Section 58. Section **32B-11-208** is amended to read:

4164 **32B-11-208. General operational requirements for manufacturing license.**

4165 (1) (a) A manufacturing licensee and staff of the manufacturing licensee shall comply
4166 with this title and the rules of the commission, including the relevant part of this chapter
4167 applicable to the type of manufacturing license held by the manufacturing licensee.

4168 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
4169 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

4170 (i) a manufacturing licensee;

4171 (ii) individual staff of a manufacturing licensee; or

4172 (iii) a manufacturing licensee and staff of the manufacturing licensee.

4173 (2) A manufacturing licensee shall prominently display the manufacturing license on
4174 the licensed premises.

4175 (3) (a) A manufacturing licensee shall make and maintain the records required by the
4176 department.

4177 (b) Section **32B-1-205** applies to a record required to be made or maintained in
4178 accordance with this Subsection (3).

4179 (4) A manufacturing licensee may not sell liquor within the state except to:

4180 (a) the department; or

4181 (b) a military installation.

4182 (5) A manufacturing license may not be transferred from one location to another

4183 location, except as provided in [~~Chapter 8a, Transfer of Alcohol License Act~~] Chapter 18, Part

4184 3, Alcohol License Change of Location.

4185 (6) (a) A manufacturing licensee may not sell, transfer, assign, exchange, barter, give,

4186 or attempt in any way to dispose of the license to another person, whether for monetary gain or

4187 not, except as provided in [~~Chapter 8a, Transfer of Alcohol License Act~~] Chapter 18, Part 2,

4188 Alcohol License Changes of Ownership.

4189 (b) A manufacturing license has no monetary value for any type of disposition.

4190 (7) A manufacturing licensee may not advertise the manufacturing licensee's product in

4191 violation of this title or any other federal or state law, except that nothing in this title prohibits

4192 the advertising or solicitation of an order for industrial alcohol from a holder of a special use

4193 permit.

4194 (8) A manufacturing licensee shall from time to time, on request of the department,

4195 furnish for analytical purposes a sample of the alcoholic product that the manufacturing

4196 licensee has:

4197 (a) for sale; or

4198 (b) in the course of manufacture for sale in this state.

4199 (9) The commission may prescribe by policy or rule, consistent with this title, the

4200 general operational requirements of a manufacturing licensee relating to:

4201 (a) physical facilities;

4202 (b) conditions of storage, sale, or manufacture of an alcoholic product;

4203 (c) storage and sales quantity limitations; and

4204 (d) other matters considered appropriate by the commission.

4205 Section 59. Section **32B-11-303** is amended to read:

4206 **32B-11-303. Specific authority and operational requirements for winery**

4207 **manufacturing license.**

4208 (1) A winery manufacturing license allows a winery manufacturing licensee to:

4209 (a) store, manufacture, transport, import, or export wine;

4210 (b) sell wine at wholesale to;

4211 (i) the department; and [~~to~~]

4212 (ii) an out-of-state [customers] customer who is at least 21 years old, as the state in
4213 which the customer is located permits;

4214 (c) purchase liquor for fortifying wine, if the department is notified of the purchase and
4215 date of delivery; and

4216 (d) warehouse on the licensed premises liquor that is manufactured or purchased for
4217 manufacturing purposes.

4218 (2) (a) A wine, brandy, wine spirit, or other liquor imported under authority of a winery
4219 manufacturing license shall conform to the standards of identity and quality established in the
4220 regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.

4221 (b) The federal definitions, standards of identity, and quality and labeling requirements
4222 for wine, in regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201
4223 et seq., are adopted to the extent the regulations are not contrary to or inconsistent with the
4224 laws of this state.

4225 (3) If considered necessary, the commission or department may require:

4226 (a) the alteration of the plant, equipment, or licensed premises;

4227 (b) the alteration or removal of unsuitable wine-making equipment or material;

4228 (c) a winery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve
4229 the sanitary and working conditions of the plant, licensed premises, and wine-making
4230 equipment;

4231 (d) that a marc, pomace, or fruit be destroyed, denatured, or removed from the licensed
4232 premises because it is considered:

4233 (i) unfit for wine making; or

4234 (ii) as producing or likely to produce an unsanitary condition;

4235 (e) a winery manufacturing licensee to distill or cause to be distilled or disposed of
4236 under the department's supervision:

4237 (i) any unsound, poor quality finished wine; or

4238 (ii) unfinished wine that will not be satisfactory when finished; or

4239 (f) that a record pertaining to the grapes and other materials and ingredients used in the
4240 manufacture of wine be available to the commission or department upon request.

4241 (4) A winery manufacturing licensee may not permit wine to be consumed on [~~its~~] the

4242 winery manufacturing licensee's premises, except [~~under the following circumstances~~] that:

4243 (a) [~~A~~] a winery manufacturing licensee may allow [its] the winery manufacturing
4244 licensee's on-duty staff to taste on the licensed premises the alcoholic product that the winery
4245 manufacturing licensee manufactures on [its] the winery manufacturing licensee's premises
4246 without charge, but only in connection with the on-duty staff's duties of manufacturing the
4247 alcoholic product during the manufacturing process and not otherwise[-];

4248 (b) [~~A~~] a winery manufacturing licensee may allow a person who can lawfully purchase
4249 wine for wholesale or retail distribution to consume a bona fide sample of the winery
4250 manufacturing licensee's product on the licensed premises[-]; and

4251 (c) [~~A~~] a winery manufacturing licensee may conduct [~~tastings~~] a tasting as provided in
4252 Section 32B-11-210.

4253 Section 60. Section 32B-11-403 is amended to read:

4254 **32B-11-403. Specific authority and operational requirements for distillery**
4255 **manufacturing license.**

4256 (1) A distillery manufacturing license allows a distillery manufacturing licensee to:

4257 (a) store, manufacture, transport, import, or export liquor;

4258 (b) sell liquor to:

4259 (i) the department;

4260 (ii) an out-of-state customer who is at least 21 years old, as the state in which the
4261 customer is located permits; and

4262 (iii) as provided in Subsection (2);

4263 (c) purchase an alcoholic product for mixing and manufacturing purposes if the
4264 department is notified of:

4265 (i) the purchase; and

4266 (ii) the date of delivery;

4267 (d) warehouse on the distillery manufacturing licensee's licensed premises an alcoholic
4268 product that the distillery manufacturing licensee manufactures or purchases for manufacturing
4269 purposes;

4270 (e) if the distillery manufacturing licensee holds two or more distillery manufacturing
4271 licenses under this chapter, transport an alcoholic product from one of the distillery
4272 manufacturing licensee's licensed premises to another, if the transportation occurs for the

4273 purpose of:

4274 (i) continuing or completing the manufacturing process; or

4275 (ii) storing a bulk container or an alcoholic product that is distilled and packaged in the
4276 state, including the transport of an alcoholic product to a package agency located at any of the
4277 distillery manufacturing licensee's licensed premises; and

4278 (f) receive samples of an alcoholic product from a person outside the state for the sole
4279 purpose of performing tests and analysis, if the distillery manufacturing licensee:

4280 (i) performs the tests and analysis in accordance with 27 C.F.R. Secs. 19.434(a), (c),

4281 (d), (e), and (f), Secs. 19.435 through 19.437, and Sec. 19.616;

4282 (ii) keeps records of the samples received, including:

4283 (A) all data required under 27 C.F.R. Sec. 19.616;

4284 (B) a description of the sample; and

4285 (C) the date the distillery manufacturing licensee receives the sample; and

4286 (iii) upon request, provides the records described in Subsection (1)(f)(ii) to the

4287 department.

4288 (2) (a) Subject to the other provisions of this Subsection (2), a distillery manufacturing
4289 licensee may directly sell an alcoholic product to a person engaged within the state in:

4290 (i) a mechanical or industrial business that requires the use of an alcoholic product; or

4291 (ii) scientific pursuits that require the use of an alcoholic product.

4292 (b) A person who purchases an alcoholic product under Subsection (2)(a) shall hold a
4293 valid special use permit issued in accordance with Chapter 10, Special Use Permit Act,
4294 authorizing the use of the alcoholic product.

4295 (c) A distillery manufacturing licensee may sell to a special use permittee described in
4296 Subsection (2)(b) an alcoholic product only in the type for which the special use permit
4297 provides.

4298 (d) The sale of an alcoholic product under this Subsection (2) is subject to rules
4299 prescribed by the department and the federal government.

4300 (3) The federal definitions, standards of identity and quality, and labeling requirements
4301 for distilled liquor, in the regulations issued under Federal Alcohol Administration Act, 27
4302 U.S.C. Sec. 201 et seq., are adopted to the extent the regulations are not contrary to or
4303 inconsistent with laws of this state.

- 4304 (4) If considered necessary, the commission or department may require:
- 4305 (a) the alteration of the plant, equipment, or licensed premises;
- 4306 (b) the alteration or removal of unsuitable alcoholic product-making equipment or
- 4307 material;
- 4308 (c) a distillery manufacturing licensee to clean, disinfect, ventilate, or otherwise
- 4309 improve the sanitary and working conditions of the plant, licensed premises, and equipment; or
- 4310 (d) that a record pertaining to the materials and ingredients used in the manufacture of
- 4311 an alcoholic product be made available to the commission or department upon request.
- 4312 (5) A distillery manufacturing licensee may not permit an alcoholic product to be
- 4313 consumed on the distillery manufacturing licensee's premises, except that:
- 4314 (a) a distillery manufacturing licensee may allow the distillery manufacturing licensee's
- 4315 on-duty staff to taste on the licensed premises an alcoholic product that the distillery
- 4316 manufacturing licensee manufactures on the distillery manufacturing licensee's licensed
- 4317 premises without charge, but only in connection with the on-duty staff's duties of
- 4318 manufacturing the alcoholic product during the manufacturing process and not otherwise;
- 4319 (b) a distillery manufacturing licensee may allow a person who can lawfully purchase
- 4320 an alcoholic product for wholesale or retail distribution to consume a bona fide sample of the
- 4321 distillery manufacturing licensee's product on the licensed premises; and
- 4322 (c) a distillery manufacturing licensee may conduct [~~tastings~~] a tasting as provided in
- 4323 Section [32B-11-210](#).
- 4324 Section 61. Section **32B-11-503** is amended to read:
- 4325 **32B-11-503. Specific authority and operational requirements for brewery**
- 4326 **manufacturing license.**
- 4327 (1) A brewery manufacturing license allows a brewery manufacturing licensee to:
- 4328 (a) store, manufacture, brew, transport, or export beer, heavy beer, and flavored malt
- 4329 beverages;
- 4330 (b) sell heavy beer and a flavored malt beverage to:
- 4331 (i) the department;
- 4332 (ii) a military installation; or
- 4333 (iii) an out-of-state customer who is at least 21 years old, as the state in which the
- 4334 customer is located permits;

- 4335 (c) sell beer to a beer wholesaler licensee;
- 4336 (d) in the case of a small brewer, in accordance with Subsection (5), sell beer
- 4337 manufactured by the small brewer to:
- 4338 (i) a retail licensee;
- 4339 (ii) an off-premise beer retailer; or
- 4340 (iii) an event permittee;
- 4341 (e) warehouse on ~~[its]~~ the brewery manufacturing licensee's premises an alcoholic
- 4342 product that the brewery manufacturing licensee manufactures or purchases for manufacturing
- 4343 purposes; and
- 4344 (f) if the brewery manufacturing licensee holds two or more brewery manufacturing
- 4345 licenses, transport beer, heavy beer, or flavored malt beverage from one of the brewery
- 4346 manufacturing licensee's licensed premises to another, if the transportation occurs for the
- 4347 purpose of:
- 4348 (i) continuing or completing the manufacturing process; or
- 4349 (ii) transferring the beer, heavy beer, or flavored malt beverage for storage at a licensed
- 4350 premises of the brewery manufacturing licensee that is at a package agency.
- 4351 (2) A brewery manufacturing licensee may not sell the following to a person within the
- 4352 state except the department or a military installation:
- 4353 (a) heavy beer; or
- 4354 (b) a flavored malt beverage.
- 4355 (3) If considered necessary, the commission or department may require:
- 4356 (a) the alteration of the plant, equipment, or licensed premises;
- 4357 (b) the alteration or removal of any unsuitable alcoholic product-making equipment or
- 4358 material;
- 4359 (c) a brewery manufacturing licensee to clean, disinfect, ventilate, or otherwise
- 4360 improve the sanitary and working conditions of the plant, licensed premises, and equipment; or
- 4361 (d) that a record pertaining to the materials and ingredients used in the manufacture of
- 4362 an alcoholic product be available to the commission or department upon request.
- 4363 (4) A brewery manufacturing licensee may not permit any beer, heavy beer, or flavored
- 4364 malt beverage to be consumed on the licensed premises, except ~~[under the circumstances~~
- 4365 ~~described in this Subsection (4).]~~ that:

4366 (a) [A] a brewery manufacturing licensee may allow [its] the brewery manufacturing
4367 licensee's on-duty staff to taste the alcoholic product that the brewery manufacturing licensee
4368 manufactures on [its] the brewery manufacturing licensee's premises without charge, but only
4369 in connection with the on-duty staff's duties of manufacturing the alcoholic product during the
4370 manufacturing process and not otherwise[-];

4371 (b) [A] a brewery manufacturing licensee may allow a person who can lawfully
4372 purchase the following for wholesale or retail distribution to consume a bona fide sample of the
4373 brewery manufacturing licensee's product on the licensed premises:

4374 (i) beer;

4375 (ii) heavy beer; or

4376 (iii) a flavored malt beverage[-];

4377 (c) [A] a brewery manufacturing licensee may operate a retail facility that complies
4378 with the requirements of Chapter 7, Part 2, Off-Premise Beer Retailer Local Authority[-]; and

4379 (d) [A] a brewery manufacturing licensee may conduct [tastings] a tasting as provided
4380 in Section [32B-11-210](#).

4381 (5) (a) A small brewer shall own, lease, or maintain and control a warehouse facility
4382 located in this state for the storage of beer to be sold to a person described in Subsection (1)(d)
4383 if the small brewer:

4384 (i) (A) (I) is located in this state; and

4385 (II) holds a brewery manufacturing license; or

4386 (B) (I) is located outside this state; and

4387 (II) holds a certificate of approval to sell beer in this state; and

4388 (ii) sells beer manufactured by the small brewer directly to a person described in
4389 Subsection (1)(d).

4390 (b) A small brewer may not sell beer to a person described in Subsection (1)(d) unless
4391 the beer:

4392 (i) is manufactured by the small brewer; and

4393 (ii) is first placed in the small brewer's warehouse facility in this state.

4394 (c) (i) A small brewer warehouse shall make and maintain complete beer importation,
4395 inventory, tax, distribution, sales records, and other records as the department and State Tax
4396 Commission may require.

4397 (ii) The records described in Subsection (5)(c)(i) are subject to inspection by:
4398 (A) the department; and
4399 (B) the State Tax Commission.
4400 (iii) Section 32B-1-205 applies to a record required to be made or maintained in
4401 accordance with this Subsection (5), except that the provision is considered to include an action
4402 described in Section 32B-1-205 made for the purpose of deceiving the State Tax Commission,
4403 or an official or employee of the State Tax Commission.

4404 [~~(6) Subject to Subsection (7):~~]

4405 (6) (a) [~~A~~] Subject to Subsection (7), a brewery manufacturing licensee may not sell
4406 beer in this state except under a written agreement with a beer wholesaler licensee in this state.

4407 (b) An agreement described in Subsection (6)(a) shall:

4408 (i) create a restricted exclusive sales territory that is mutually agreed upon by the
4409 persons entering into the agreement;

4410 (ii) designate the one or more brands that may be distributed in the sales territory; and

4411 (iii) set forth the exact geographical area of the sales territory.

4412 (c) A brewery manufacturing licensee may have more than one agreement described in
4413 [~~this~~] Subsection (6)(a) if each brand of the brewery manufacturing licensee is covered by one
4414 exclusive sales territory.

4415 (d) A brewery manufacturing licensee may not enter into an agreement described in
4416 Subsection (6)(a) with more than one beer wholesaler licensee to distribute the same brand of
4417 beer in the same sales territory or any portion of the sales territory.

4418 (7) A small brewer is not subject to the requirements of Subsection (6).

4419 Section 62. Section 32B-11-504 is amended to read:

4420 **32B-11-504. Department's authority regarding small-brewer status.**

4421 (1) A brewer seeking to obtain small-brewer status shall provide to the department any
4422 documentation or information the department determines necessary to determine if the brewer
4423 is part of a controlled group of [~~breweries~~] manufacturers.

4424 (2) The department may revoke a brewer's small-brewer status at any time, if the
4425 department determines the brewer does not qualify as a small brewer.

4426 Section 63. Section 32B-18-101, which is renumbered from Section 32B-8a-102 is
4427 renumbered and amended to read:

4428 CHAPTER 18. CHANGE OF ALCOHOL LICENSE OR LOCATION ACT

4429 Part 1. General Provisions

4430 ~~[32B-8a-102].~~ 32B-18-101. Definitions.

4431 As used in this chapter:

4432 (1) (a) "Alcohol license" means:

4433 (i) a retail license;

4434 (ii) an off-premise beer retailer state license;

4435 (iii) a brewery manufacturing license;

4436 (iv) a distillery manufacturing license;

4437 (v) a winery manufacturing license; ~~[and]~~

4438 (vi) a liquor warehousing license; and

4439 ~~[(vi)]~~ (vii) a special use permit that is an industrial or manufacturing use permit.

4440 (b) "Alcohol license" does not include a:

4441 (i) master full-service restaurant license;

4442 (ii) master limited-service restaurant license; or

4443 (iii) master off-premise beer retailer state license.

4444 (2) "Business entity" means a corporation, partnership, limited liability company, sole
4445 proprietorship, or similar entity.

4446 ~~[(3) "Transfer fee" means a fee described in Section 32B-8a-303;]~~

4447 ~~[(4) "Transferee or buyer" means a person who intends to hold an alcohol license after
4448 the transfer of the alcohol license if the transfer is approved by the commission under this
4449 chapter.]~~

4450 ~~[(5) "Transferor or seller" means an alcohol licensee who intends to transfer an alcohol
4451 license held by the alcohol licensee if the commission approves the transfer under this chapter.]~~

4452 (3) "Interim alcoholic beverage management agreement" means a management
4453 agreement:

4454 (a) in connection with:

4455 (i) a change of ownership in the entity holding an alcohol license; or

4456 (ii) a transfer of the management of an alcohol license to another entity; and

4457 (b) under which the new owner or new management agrees to perform the operations
4458 of the alcohol licensee during the period that:

4459 (i) begins when:
 4460 (A) the change of ownership closes; or
 4461 (B) the new management agreement is executed; and
 4462 (ii) ends on the day after the day on which the commission approves the alcohol license
 4463 for the new owner.

4464 (4) "Inventory transfer agreement" means an agreement under which an alcohol
 4465 licensee agrees to sell or otherwise transfer all or part of the alcohol licensee's inventory of
 4466 alcoholic products.

4467 (5) "Management agreement" means an agreement between two people regarding the
 4468 operation and management of an alcohol license.

4469 Section 64. Section **32B-18-201**, which is renumbered from Section 32B-8a-201 is
 4470 renumbered and amended to read:

4471 **Part 2. Alcohol License Changes of Ownership**

4472 ~~[32B-8a-201].~~ **32B-18-201. Transferability of an alcohol license.**

4473 (1) ~~[(a)]~~ An alcohol license ~~[is]~~:

4474 (a) is not ascribed any value in the sale or transfer of a business entity or the business
 4475 entity's assets;

4476 (b) is neither tangible nor intangible property to the holder of the license; and

4477 (c) is completely separate from other property of an alcohol licensee.

4478 ~~[(b)]~~ (2) [Notwithstanding Subsection (1)(a), the] The Legislature may terminate or
 4479 modify the existence of any type of alcohol license.

4480 ~~[(c)]~~ (3) Except as provided in this ~~[chapter]~~ part, a person may not~~[(i) transfer an~~
 4481 ~~alcohol license from one location to another location; or (ii)]~~ sell, transfer, assign, exchange,
 4482 barter, give, or attempt in any way to dispose of the alcohol license to another person whether
 4483 for monetary gain or not.

4484 ~~[(d) If approved by the commission and subject to the requirements of this chapter, an~~
 4485 ~~alcohol licensee may transfer the alcohol license:]~~

4486 ~~[(i) from the alcohol licensee to another person, regardless of whether the alcohol~~
 4487 ~~license is for the same premises; and]~~

4488 ~~[(ii) from one premises of the alcohol licensee to another premises of the alcohol~~
 4489 ~~licensee.]~~

4490 ~~[(2) (a) The commission may not approve the transfer of an alcohol license that results~~
4491 ~~in a transferee or buyer holding a different type of alcohol license than is held by the transferor~~
4492 ~~or seller.]~~

4493 ~~[(b) Unless the alcohol license is a bar establishment license, the commission may not~~
4494 ~~approve the transfer of an alcohol license from one location to another location, if the location~~
4495 ~~of the premises to which the alcohol license would be transferred is in a different county than~~
4496 ~~the location of the licensed premises of the alcohol license being transferred.]~~

4497 ~~[(3) The commission may not approve the transfer of an alcohol license if the~~
4498 ~~transferee or buyer is not eligible to hold the same type of alcohol license as the alcohol license~~
4499 ~~to be transferred at the premises to which the alcohol license would be transferred.]~~

4500 ~~[(4) The commission may not approve the transfer of an alcohol license unless the~~
4501 ~~transferee or buyer attests, subject to the penalty for making a false material statement under~~
4502 ~~Section [32B-4-504](#), that the transferee or buyer is in compliance with:]~~

4503 ~~[(a) federal tax laws;]~~

4504 ~~[(b) Title 35A, Chapter 4, Employment Security Act; and]~~

4505 ~~[(c) Title 59, Revenue and Taxation.]~~

4506 ~~[(5) The commission may not approve the transfer of an alcohol license unless the~~
4507 ~~transferor or seller attests, subject to the penalty for making a false material statement under~~
4508 ~~Section [32B-4-504](#), that the transferor or seller is not delinquent on any lease obligation related~~
4509 ~~to the licensed premises for the alcohol license the transferor or seller is transferring.]~~

4510 Section 65. Section **32B-18-202**, which is renumbered from Section 32B-8a-202 is
4511 renumbered and amended to read:

4512 ~~[**32B-8a-202**].~~ **32B-18-202. Effect of change of ownership of business entity.**

4513 (1) (a) When the ownership of 51% or more of the shares of stock of a corporation is
4514 ~~[acquired by or transferred to]~~ restructured to include one or more persons who did not hold the
4515 ownership of 51% of those shares of stock on the ~~[date]~~ day on which an alcohol license is
4516 issued to the corporation, the corporation shall comply with this chapter to ~~[transfer the alcohol~~
4517 ~~license to the corporation as if the corporation is newly constituted]~~ reflect the restructuring.

4518 (b) When there is a new general partner or when the ownership of 51% or more of the
4519 capital or profits of a limited partnership is ~~[acquired by or transferred to]~~ restructured to
4520 include one or more persons as general or limited partners and who did not hold ownership of

4521 51% or more of the capital or profits of the limited partnership on the ~~[date]~~ day on which an
4522 alcohol license is issued to the limited partnership, the limited partnership shall comply with
4523 this chapter to ~~[transfer the alcohol license to the limited partnership as if the limited~~
4524 ~~partnership is newly constituted]~~ reflect the restructuring.

4525 (c) When the ownership of 51% or more of the interests in a limited liability company
4526 is ~~[acquired by or transferred to]~~ restructured to include one or more persons as members who
4527 did not hold ownership of 51% or more of the interests in the limited liability company on the
4528 ~~[date]~~ day on which an alcohol license is issued to the limited liability company, the limited
4529 liability company shall comply with this chapter to ~~[transfer the alcohol license to the limited~~
4530 ~~liability company as if the limited liability company is newly constituted]~~ reflect the
4531 restructuring.

4532 (2) A business entity shall comply with this section within 60 days after the day on
4533 which a ~~[sale or transfer described in Subsection (1) occurs]~~ restructuring of the business entity
4534 becomes effective.

4535 Section 66. Section **32B-18-203** is enacted to read:

4536 **32B-18-203. Application -- Approval process.**

4537 (1) (a) A person seeking an alcohol license in accordance with this part that is currently
4538 held by another person shall submit to the department:

4539 (i) a written application for a new license in a form prescribed by the department; and

4540 (ii) a fee in accordance with Section [32B-18-207](#).

4541 (b) If the person seeking an alcohol license as described in Subsection (1) seeks to take
4542 over the daily operations of the alcohol license before the commission grants the transfer, the
4543 person and the alcohol licensee shall enter into an interim alcoholic beverage management
4544 agreement that:

4545 (i) provides for all proceeds from the sale of alcohol, less cost of goods sold, to accrue
4546 to the current alcohol licensee;

4547 (ii) provides for the duration of the agreement, that the current alcohol licensee:

4548 (A) shall comply with the requirements of this title that are applicable to the alcohol
4549 license; and

4550 (B) in accordance with this title, is subject to disciplinary action by the commission for
4551 a violation of this title; and

4552 (iii) the department approves.

4553 (c) If the person seeking an alcohol license as described in Subsection (1) seeks to buy
4554 the inventory from the existing licensee, the person and the alcohol licensee shall enter into an
4555 inventory transfer agreement that the department approves.

4556 (2) An alcohol licensee seeking to restructure the alcohol licensee's internal ownership
4557 of 51% or more shall submit to the department:

4558 (a) a written application in a form prescribed by the department; and

4559 (b) a fee in accordance with Section [32B-18-207](#).

4560 (3) A person or business entity shall comply with this section within 60 days after the
4561 day on which the sale of the business's assets closes or the restructuring of the business entity
4562 becomes effective.

4563 (4) In accordance with this section and Title 63G, Chapter 3, Utah Administrative
4564 Rulemaking Act, the commission may make rules governing the requirements of an interim
4565 alcoholic beverage management agreement.

4566 Section 67. Section **32B-18-204**, which is renumbered from Section 32B-5-310 is
4567 renumbered and amended to read:

4568 ~~[32B-5-310].~~ **32B-18-204. Notifying department of change in ownership.**

4569 ~~[(1)]~~ The commission may suspend or revoke ~~[a-retail]~~ an alcohol license if the ~~[retail]~~
4570 alcohol licensee does not notify the department, within 60 days after the day on which the
4571 change occurs, of a change in:

4572 ~~[(a)]~~ (1) ownership of the [retail] business entity holding the alcohol license;

4573 ~~[(b)]~~ the entity that manages the retail licensee or a premises licensed under this
4574 chapter;

4575 ~~[(c)]~~ (2) for a corporate owner, the:

4576 ~~[(i)]~~ (a) corporate officers or directors of the [retail] alcohol licensee; or

4577 ~~[(ii)]~~ (b) shareholders holding at least 20% of the total issued and outstanding stock of
4578 the corporation; or

4579 ~~[(d)]~~ (3) for a limited liability company:

4580 ~~[(i)]~~ (a) managers of the limited liability company; or

4581 ~~[(ii)]~~ (b) members owning at least 20% of the limited liability company.

4582 ~~[(2) Notwithstanding any other provision of this title, in connection with an event~~

4583 described in Section ~~32B-8a-202~~ or an asset sale of a retail licensee, the parties to the
4584 transaction may enter into an inventory transfer agreement.]

4585 [~~(3) A retail licensee may enter into an interim alcoholic beverage management
4586 agreement that provides:]~~

4587 [~~(a) all proceeds, less cost of goods sold, from the sale of alcohol shall accrue to the
4588 current retail licensee; and]~~

4589 [~~(b) for the duration of the agreement, the current retail licensee:]~~

4590 [~~(i) shall comply with the requirements of this title that are applicable to the retail
4591 license; and]~~

4592 [~~(ii) in accordance with this title, is subject to disciplinary action by the commission for
4593 any violation of this title:]~~

4594 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4595 the department may make rules governing the requirements of:]~~

4596 [~~(a) an inventory transfer agreement; and]~~

4597 [~~(b) an interim alcoholic beverage management agreement.]~~

4598 Section 68. Section **32B-18-205** is enacted to read:

4599 **32B-18-205. Management agreements -- Inventory transfers.**

4600 (1) (a) A management agreement may provide for the sharing of revenue from a
4601 business utilizing an alcohol license if, regardless of which party holds the alcohol license, all
4602 parties to the management agreement qualify under Section [32B-1-304](#) to hold the license.

4603 (b) The parties to a management agreement shall submit to the department:

4604 (i) a copy of the management agreement; and

4605 (ii) any other information the department requires.

4606 (c) If there is a material change to the management agreement submitted to the
4607 department under Subsection (1)(b), the parties to the management agreement shall submit to
4608 the department the following within 30 days after the day on which the change occurs:

4609 (i) a copy of the changed management agreement; and

4610 (ii) any other information the department requires.

4611 (2) Notwithstanding any other provision of this title, in connection with a change of
4612 ownership described in Section [32B-18-202](#) or an asset sale of an alcohol licensee, the parties
4613 to the transaction may enter into an inventory transfer agreement.

4614 (3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative
 4615 Rulemaking Act, the commission may make rules governing the requirements of:

4616 (a) a management agreement; or

4617 (b) an inventory transfer agreement.

4618 Section 69. Section **32B-18-206**, which is renumbered from Section 32B-8a-203 is
 4619 renumbered and amended to read:

4620 ~~[32B-8a-203].~~ **32B-18-206. Operational requirements for change of**
 4621 **ownership or location.**

4622 (1) (a) ~~[A transferee or buyer shall begin operations of the alcohol license]~~ Except as
 4623 provided in Subsections (1)(b) and (c), operations of an alcohol licensee shall begin within 30
 4624 days after the day on which ~~[a transfer is approved by]~~ the commission ~~[, except that:]~~ approves
 4625 a change of ownership for the alcohol license.

4626 ~~[(i) the]~~ (b) The department may grant an extension of [this] the time period described
 4627 in Subsection (1)(a) for a period not to exceed the greater of:

4628 (i) 30 days; [and] or

4629 (ii) the number of days until the day on which the commission holds the commission's
 4630 next regularly scheduled commission meeting.

4631 ~~[(ii) (c) [after the extension is authorized by]~~ After the department [under] authorizes
 4632 an extension described in Subsection [(1)(a)(i)] (1)(b), the commission may grant one or more
 4633 additional extensions [not to exceed, in the aggregate, seven months from the day on which the
 4634 commission approves the transfer, if the transferee or buyer can demonstrate] if:

4635 (i) the alcohol licensee demonstrates to the commission that the [transferee or buyer:
 4636 ~~(A)] alcohol licensee cannot begin operations because the [transferee or buyer] alcohol~~
 4637 licensee:

4638 (A) is improving the licensed premises;

4639 (B) has obtained a building permit for the improvements described in Subsection
 4640 ~~[(1)(a)(ii)(A)] (1)(c)(i)(A), if the respective local [government entity] authority requires a~~
 4641 building permit for the improvements; and

4642 (C) is working expeditiously to complete the improvements to the licensed premises[:];
 4643 or

4644 (ii) the commission determines that circumstances beyond the control of the alcohol

4645 licensee negate the licensee's ability to begin operations in a timely manner.

4646 ~~[(b)]~~ (2) ~~[A transferee or buyer]~~ An alcohol licensee is considered to have begun
4647 operations of the alcohol license if the ~~[transferee or buyer]~~ alcohol licensee:

4648 ~~[(i)]~~ (a) has a licensed premises that is open for business;

4649 ~~[(ii)-(A)]~~ (b) (i) sells, offers for sale, or furnishes an alcoholic [products] product to a
4650 patron on the licensed premises described in Subsection ~~[(+)(b)(i)]~~ (2)(a);

4651 ~~[(B)]~~ (ii) manufactures an alcoholic product on the licensed premises described in
4652 Subsection ~~[(+)(b)(i)]~~ (2)(a); ~~[or]~~

4653 ~~[(C)]~~ (iii) engages in an industrial or manufacturing pursuit containing alcohol on the
4654 licensed premises described in Subsection ~~[(+)(b)(i)]~~ (2)(a); ~~[and]~~ or

4655 (iv) warehouses liquor on the licensed premises described in Subsection (2)(a); and

4656 ~~[(iii)]~~ (c) has a valid business license.

4657 ~~[(2)]~~ (3) If ~~[a transferee or buyer]~~ an alcohol licensee fails to begin operations of the
4658 alcohol license within the time period required by Subsection (1), the following are
4659 automatically forfeited effective immediately:

4660 (a) the alcohol license; and

4661 (b) the ~~[alcohol license]~~ fee described in Section 32B-18-207.

4662 ~~[(3)-A transferee or buyer]~~ (4) (a) Except as provided in Subsection (4)(b), if the
4663 commission approves a change of ownership, the new owner of the alcohol license shall begin
4664 operations of the alcohol license at the location to which the [transfer] alcohol license applies
4665 before the [transferee or buyer] new owner may [seek a transfer of] move the alcohol license to
4666 a different location in accordance with Part 3, Alcohol License Change of Location.

4667 (b) Subsection (4)(a) does not apply to a new owner of an alcohol license if the
4668 commission determines that a bona fide exigent circumstance exists that warrants a change in
4669 location before operations begin.

4670 ~~[(4)]~~ (5) Notwithstanding Subsection (1), the commission may not issue a conditional
4671 license unless the requirements of Section 32B-5-205 are met, except that the time periods
4672 required by this section supersede the time period provided in Section 32B-5-205.

4673 Section 70. Section 32B-18-207, which is renumbered from Section 32B-8a-303 is
4674 renumbered and amended to read:

4675 ~~[32B-8a-303].~~ 32B-18-207. Change fees.

4676 (1) ~~[Except as otherwise provided in this section, the]~~ The department shall charge the
4677 following ~~[transfer]~~ fees for a change of ownership under this part:

4678 (a) for a ~~[transfer]~~ change of ownership of an alcohol license from an alcohol licensee
4679 to another person, the ~~[transfer]~~ change fee equals the initial license fee amount specified in the
4680 relevant chapter or part for the type of alcohol license ~~[that is being transferred]~~ for which the
4681 change of ownership occurs; and

4682 ~~[(b) for the transfer of an alcohol license from one premises to another premises of the~~
4683 ~~same alcohol licensee, the transfer fee is \$300;]~~

4684 ~~[(c)]~~ (b) ~~[subject to Subsections (1)(d) and (2), for a transfer]~~ for a change of ownership
4685 described in Section ~~[32B-8a-202]~~ [32B-18-202](#), the ~~[transfer]~~ change fee equals the renewal fee
4686 amount specified in the relevant chapter or part for the type of alcohol license ~~[that is being~~
4687 transferred;] for which the change of ownership occurs.

4688 ~~[(d) for a transfer of an alcohol license to include the parent or adult child of an alcohol~~
4689 ~~licensee, when no consideration is given for the transfer, the transfer fee is one-half of the~~
4690 ~~amount described in Subsection (1)(a); and]~~

4691 ~~[(e) for one of the following transfers, the transfer fee is one-half of the amount~~
4692 ~~described in Subsection (1)(a):]~~

4693 ~~[(i) an alcohol license of one spouse to the other spouse when the transfer application is~~
4694 ~~made before the entry of a final decree of divorce;]~~

4695 ~~[(ii) an alcohol license of a deceased alcohol licensee to:]~~

4696 ~~[(A) the one or more surviving partners of the deceased alcohol licensee;]~~

4697 ~~[(B) the executor, administrator, or conservator of the estate of the deceased alcohol~~
4698 ~~licensee; or]~~

4699 ~~[(C) the surviving spouse of the deceased alcohol licensee, if the deceased alcohol~~
4700 ~~licensee leaves no estate to be administered;]~~

4701 ~~[(iii) an alcohol license of an incompetent person or conservatee by or to the~~
4702 ~~conservator or guardian for the incompetent person or conservatee who is the alcohol licensee;]~~

4703 ~~[(iv) an alcohol license of a debtor in a bankruptcy case by or to the trustee of a~~
4704 ~~bankrupt estate of the alcohol licensee;]~~

4705 ~~[(v) an alcohol license of a person for whose estate a receiver is appointed may be~~
4706 ~~transferred by or to a receiver of the estate of the alcohol licensee;]~~

4707 ~~[(vi) an alcohol license of an assignor for the benefit of creditors by or to an assignee~~
4708 ~~for the benefit of creditors of a licensee with the consent of the assignor;]~~

4709 ~~[(vii) an alcohol license transferred to a revocable living trust if the alcohol licensee is~~
4710 ~~the trustee of the revocable living trust;]~~

4711 ~~[(viii) an alcohol license transferred between partners when no new partner is being~~
4712 ~~licensed;]~~

4713 ~~[(ix) an alcohol license transferred between corporations whose outstanding shares of~~
4714 ~~stock are owned by the same individuals;]~~

4715 ~~[(x) upon compliance with Section [32B-8a-202](#), an alcohol license to a corporation~~
4716 ~~whose entire stock is owned by:]~~

4717 ~~[(A) the transferor or seller; or]~~

4718 ~~[(B) the spouse of the transferor or seller;]~~

4719 ~~[(xi) upon compliance with Section [32B-8a-202](#), an alcohol license to a limited~~
4720 ~~liability company whose entire membership consists of:]~~

4721 ~~[(A) the transferor or seller; or]~~

4722 ~~[(B) the spouse of the transferor or seller; or]~~

4723 ~~[(xii) an alcohol license transferred from a corporation to a person who owns, or whose~~
4724 ~~spouse owns, the entire stock of the corporation.]~~

4725 ~~[(2) If there are multiple and simultaneous transfers of alcohol licenses under Section~~
4726 ~~[32B-8a-202](#), a transfer fee described in Subsection (1)(c) is required for only one of the alcohol~~
4727 ~~licenses being transferred.]~~

4728 ~~[(3) (a) Except as provided in Subsection (3)(b), a transfer fee required under~~
4729 ~~Subsection (1) is due for a transfer subsequent to a transfer under Subsection (1)(c)(xii) if the~~
4730 ~~subsequent transfer is of 51% of the stock in a corporation to which an alcohol license is~~
4731 ~~transferred by an alcohol licensee or the spouse of an alcohol licensee.]~~

4732 ~~[(b) If the transfer of stock described in Subsection (3)(a) is from a parent to the~~
4733 ~~parent's adult child or adult grandchild, the transfer fee is one-half of the amount described in~~
4734 ~~Subsection (1)(a).]~~

4735 ~~[(4) Money collected from a transfer fee shall be deposited in the Liquor Control~~
4736 ~~Fund.]~~

4737 (2) The department shall deposit a fee collected under Subsection (1) into the Liquor

4738 Control Fund.

4739 Section 71. Section **32B-18-301** is enacted to read:

4740 **Part 3. Alcohol License Change of Location**

4741 **32B-18-301. Change of location provisions.**

4742 (1) Except as provided in this part, a person may not move an alcohol license from one
4743 location to another.

4744 (2) Before an alcohol licensee moves the alcohol licensee's license from one location to
4745 another, the alcohol licensee shall submit to the department:

4746 (a) an application for a change of location, in the form the department determines; and

4747 (b) a change of location fee.

4748 (3) Before the commission approves a change of location requested in accordance with
4749 this part, the commission shall:

4750 (a) ensure that the new location meets the physical requirements for the type of license
4751 for which the change of location is requested, including any proximity requirement; and

4752 (b) consider the locality within which the proposed licensed premises is located,

4753 including the relevant factors for the type of license for which the change of location is

4754 requested.

4755 Section 72. Section **32B-18-302** is enacted to read:

4756 **32B-18-302. Operational requirements for change of location.**

4757 (1) (a) Except as permitted under Subsections (1)(b) and (c), operations of an alcohol
4758 licensee shall begin within 30 days after the day on which the commission approves a change
4759 of location for the alcohol license.

4760 (b) The department may grant an extension to the 30 days described in Subsection

4761 (1)(a), not to exceed the greater of:

4762 (i) 30 days; or

4763 (ii) the number of days until the next regularly scheduled commission meeting.

4764 (c) After the department authorizes an extension described in Subsection (1)(b), the
4765 commission may grant one or more additional extensions, if:

4766 (i) the alcohol licensee demonstrates to the commission that the alcohol licensee cannot
4767 begin operations because the alcohol licensee:

4768 (A) is improving the licensed premises;

4769 (B) has obtained a building permit for the improvements described in Subsection
4770 (1)(c)(i)(A), if the respective local authority requires a building permit for the improvements;

4771 and

4772 (C) is working expeditiously to complete the improvements to the licensed premises;

4773 or

4774 (ii) the commission determines that circumstances beyond the control of the alcohol
4775 licensee negate the licensee's ability to begin operations in a timely manner.

4776 (2) An alcohol licensee is considered to have begun operations of the alcohol license if
4777 the alcohol licensee:

4778 (a) has a licensed premises that is open for business;

4779 (b) (i) sells, offers for sale, or furnishes an alcoholic product to a patron on the licensed
4780 premises described in Subsection (1)(a);

4781 (ii) manufactures an alcoholic product on the licensed premises described in
4782 Subsection (2)(a);

4783 (iii) engages in an industrial or manufacturing pursuit containing alcohol on the
4784 licensed premises described in Subsection (2)(a); or

4785 (iv) warehouses liquor on the licensed premises described in Subsection (2)(a); and

4786 (c) has a valid business license.

4787 (3) If an alcohol licensee fails to begin operations of the alcohol license within the time
4788 period required under Subsection (1), the following are automatically forfeited effective
4789 immediately:

4790 (a) the alcohol license; and

4791 (b) the change of location fee.

4792 Section 73. Section **32B-18-303** is enacted to read:

4793 **32B-18-303. Change of location fees.**

4794 (1) The department shall charge a \$300 fee for a change in location of an alcohol
4795 licensee's licensed premises.

4796 (2) The department shall deposit a fee collected under Subsection (1) in the Liquor
4797 Control Fund.

4798 Section 74. Section **32B-18-401**, which is renumbered from Section 32B-8a-501 is
4799 renumbered and amended to read:

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Part 4. Prohibited Activities

~~[32B-8a-501].~~ **32B-18-401. License not to be pledged as security --
Prohibited changes, transfers, and moves.**

(1) An alcohol licensee may not enter into any agreement under which the alcohol licensee pledges the alcohol license as security for a loan or as security for the fulfillment of any agreement.

~~[(2) An alcohol licensee may not transfer an alcohol license if the transfer is to:]
[(a) satisfy a loan or to fulfill an agreement entered into more than 90 days before the day on which the transfer application is filed;]~~

~~[(b) gain or establish a preference to or for any creditor of the transferor or seller, except as provided by Section 32B-8a-202; or]~~

~~[(c) defraud or injure a creditor of the transferor or seller.]~~

~~[(3) An alcohol licensee may not transfer a bar establishment license in a manner that circumvents the limitations of Subsection 32B-8d-103(3)(b) or (c).]~~

~~[(4)]~~ (2) An alcohol licensee may not change, transfer, or move an alcohol license except ~~[in accordance with]~~ as expressly permitted under this chapter.

Section 75. Section **32B-18-402**, which is renumbered from Section 32B-8a-502 is renumbered and amended to read:

~~[32B-8a-502].~~ **32B-18-402. Effect of change, transfer, or move in violation of this chapter.**

(1) If an alcohol license is changed, transferred, or moved in violation of this chapter, the commission may:

(a) void the change, transfer, or move; and

(b) require the alcohol license to be forfeited.

(2) Subsection (1) is in addition to any other penalty under this title that is applicable to the person who violates this chapter.

Section 76. Section **34-52-201** is amended to read:

34-52-201. Public employer requirements.

(1) A public employer may not exclude an applicant from an initial interview because of a past criminal conviction.

(2) A public employer excludes an applicant from an initial interview if the public

4831 employer:

4832 (a) requires an applicant to disclose, on an employment application, a criminal
4833 conviction;

4834 (b) requires an applicant to disclose, before an initial interview, a criminal conviction;
4835 or

4836 (c) if no interview is conducted, requires an applicant to disclose, before making a
4837 conditional offer of employment, a criminal conviction.

4838 (3) (a) A public employer may not make any inquiry related to an applicant's expunged
4839 criminal history.

4840 (b) An applicant seeking employment from a public employer may answer a question
4841 related to an expunged criminal record as though the action underlying the expunged criminal
4842 record never occurred.

4843 (4) Subject to Subsections (1) through (3), nothing in this section prevents a public
4844 employer from:

4845 (a) asking an applicant for information about an applicant's criminal conviction history
4846 during an initial interview or after an initial interview; or

4847 (b) considering an applicant's conviction history when making a hiring decision.

4848 (5) Subsections (1) through (3) do not apply:

4849 (a) if federal, state, or local law, including corresponding administrative rules, requires
4850 the consideration of an applicant's criminal conviction history;

4851 (b) to a public employer that is a law enforcement agency;

4852 (c) to a public employer that is part of the criminal or juvenile justice system;

4853 (d) to a public employer seeking a nonemployee volunteer;

4854 (e) to a public employer that works with children or vulnerable adults;

4855 (f) to the Department of Alcoholic Beverage ~~Control~~ Services created in Section
4856 [32B-2-203](#);

4857 (g) to the State Tax Commission;

4858 (h) to a public employer whose primary purpose is performing financial or fiduciary
4859 functions; and

4860 (i) to a public transit district hiring or promoting an individual for a safety sensitive
4861 position described in Section [17B-2a-825](#).

4862 Section 77. Section **53-2a-802** is amended to read:

4863 **53-2a-802. Definitions.**

4864 (1) (a) "Absent" means:

4865 (i) not physically present or not able to be communicated with for 48 hours; or

4866 (ii) for local government officers, as defined by local ordinances.

4867 (b) "Absent" does not include a person who can be communicated with via telephone,
4868 radio, or telecommunications.

4869 (2) "Department" means the Department of Government Operations, the Department of
4870 Agriculture and Food, the Alcoholic Beverage [~~Control~~] Services Commission, the Department
4871 of Commerce, the Department of Cultural and Community Engagement, the Department of
4872 Corrections, the Department of Environmental Quality, the Department of Financial
4873 Institutions, the Department of Health, the Department of Workforce Services, the Labor
4874 Commission, the National Guard, the Department of Insurance, the Department of Natural
4875 Resources, the Department of Public Safety, the Public Service Commission, the Department
4876 of Human Services, the State Tax Commission, the Department of Transportation, any other
4877 major administrative subdivisions of state government, the State Board of Education, the Utah
4878 Board of Higher Education, the Utah Housing Corporation, the State Retirement Board, and
4879 each institution of higher education within the system of higher education.

4880 (3) "Division" means the Division of Emergency Management established in Title 53,
4881 Chapter 2a, Part 1, Emergency Management Act.

4882 (4) "Emergency interim successor" means a person designated by this part to exercise
4883 the powers and discharge the duties of an office when the person legally exercising the powers
4884 and duties of the office is unavailable.

4885 (5) "Executive director" means the person with ultimate responsibility for managing
4886 and overseeing the operations of each department, however denominated.

4887 (6) (a) "Office" includes all state and local offices, the powers and duties of which are
4888 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

4889 (b) "Office" does not include the office of governor or the legislative or judicial offices.

4890 (7) "Place of governance" means the physical location where the powers of an office
4891 are being exercised.

4892 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,

4893 authorities, and other public corporations and entities whether organized and existing under
4894 charter or general law.

4895 (9) "Political subdivision officer" means a person holding an office in a political
4896 subdivision.

4897 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and
4898 the executive director of each department.

4899 (11) "Unavailable" means:

4900 (a) absent from the place of governance during a disaster that seriously disrupts normal
4901 governmental operations, whether or not that absence or inability would give rise to a vacancy
4902 under existing constitutional or statutory provisions; or

4903 (b) as otherwise defined by local ordinance.

4904 Section 78. Section **53-8-105** is amended to read:

4905 **53-8-105. Duties of Highway Patrol.**

4906 In addition to the duties in this chapter, the Highway Patrol shall:

4907 (1) enforce the state laws and rules governing use of the state highways;

4908 (2) regulate traffic on all highways and roads of the state;

4909 (3) assist the governor in an emergency or at other times at his discretion;

4910 (4) in cooperation with federal, state, and local agencies, enforce and assist in the
4911 enforcement of all state and federal laws related to the operation of a motor carrier on a
4912 highway, including all state and federal rules and regulations;

4913 (5) inspect certain vehicles to determine road worthiness and safe condition as
4914 provided in Section [41-6a-1630](#);

4915 (6) upon request, assist with any condition of unrest existing or developing on a
4916 campus or related facility of an institution of higher education;

4917 (7) assist the Alcoholic Beverage ~~[Control]~~ Services Commission in an emergency to
4918 enforce the state liquor laws;

4919 (8) provide security and protection for both houses of the Legislature while in session
4920 as the speaker of the House of Representatives and the president of the Senate find necessary;

4921 (9) enforce the state laws and rules governing use of the capitol hill complex as defined
4922 in Section [63C-9-102](#); and

4923 (10) carry out the following for the Supreme Court and the Court of Appeals:

4924 (a) provide security and protection to those courts when in session in the capital city of
4925 the state;

4926 (b) execute orders issued by the courts; and

4927 (c) carry out duties as directed by the courts.

4928 Section 79. Section **53-10-102** is amended to read:

4929 **53-10-102. Definitions.**

4930 As used in this chapter:

4931 (1) "Administration of criminal justice" means performance of any of the following:
4932 detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication,
4933 correctional supervision, or rehabilitation of accused persons or criminal offenders.

4934 (2) "Alcoholic beverage" is as defined in Section [32B-1-102](#).

4935 (3) "Alcoholic product" is as defined in Section [32B-1-102](#).

4936 (4) "Commission" means the Alcoholic Beverage ~~[Control]~~ Services Commission.

4937 (5) "Communications services" means the technology of reception, relay, and
4938 transmission of information required by public safety agencies in the performance of their duty.

4939 (6) "Conviction record" means criminal history information indicating a record of a
4940 criminal charge which has led to a declaration of guilt of an offense.

4941 (7) "Criminal history record information" means information on individuals consisting
4942 of identifiable descriptions and notations of:

4943 (a) arrests, detentions, indictments, informations, or other formal criminal charges, and
4944 any disposition arising from any of them; and

4945 (b) sentencing, correctional supervision, and release.

4946 (8) "Criminal justice agency" means courts or a government agency or subdivision of a
4947 government agency that administers criminal justice under a statute, executive order, or local
4948 ordinance and that allocates greater than 50% of its annual budget to the administration of
4949 criminal justice.

4950 (9) "Criminalist" means the scientific discipline directed to the recognition,
4951 identification, individualization, and evaluation of physical evidence by application of the
4952 natural sciences in law-science matters.

4953 (10) "Department" means the Department of Public Safety.

4954 (11) "Director" means the division director appointed under Section [53-10-103](#).

4955 (12) "Division" means the Criminal Investigations and Technical Services Division
4956 created in Section [53-10-103](#).

4957 (13) "Executive order" means an order of the president of the United States or the chief
4958 executive of a state that has the force of law and that is published in a manner permitting
4959 regular public access to it.

4960 (14) "Forensic" means dealing with the application of scientific knowledge relating to
4961 criminal evidence.

4962 (15) "Mental defective" means an individual who, by a district court, as a result of
4963 marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is
4964 found:

4965 (a) to be a danger to himself or herself or others;

4966 (b) to lack the mental capacity to contract or manage the individual's own affairs;

4967 (c) to be incompetent by a court in a criminal case; or

4968 (d) to be incompetent to stand trial or found not guilty by reason or lack of mental
4969 responsibility.

4970 (16) "Missing child" means any person under the age of 18 years who is missing from
4971 the person's home environment or a temporary placement facility for any reason and whose
4972 location cannot be determined by the person responsible for the child's care.

4973 (17) "Missing person" is as defined in Section [26-2-27](#).

4974 (18) "Pathogens" means disease-causing agents.

4975 (19) "Physical evidence" means something submitted to the bureau to determine the
4976 truth of a matter using scientific methods of analysis.

4977 (20) "Qualifying entity" means a business, organization, or a governmental entity that
4978 employs persons or utilizes volunteers who deal with:

4979 (a) national security interests;

4980 (b) care, custody, or control of children;

4981 (c) fiduciary trust over money;

4982 (d) health care to children or vulnerable adults; or

4983 (e) the provision of any of the following to a vulnerable adult:

4984 (i) care;

4985 (ii) protection;

- 4986 (iii) food, shelter, or clothing;
- 4987 (iv) assistance with the activities of daily living; or
- 4988 (v) assistance with financial resource management.

4989 Section 80. Section **53-10-305** is amended to read:

4990 **53-10-305. Duties of bureau chief.**

4991 The bureau chief, with the consent of the commissioner, shall do the following:

4992 (1) conduct in conjunction with the state boards of education and higher education in
4993 state schools, colleges, and universities, an educational program concerning alcoholic
4994 beverages and alcoholic products, and work in conjunction with civic organizations, churches,
4995 local units of government, and other organizations in the prevention of alcoholic beverage,
4996 alcoholic product, and drug violations;

4997 (2) coordinate law enforcement programs throughout the state and accumulate and
4998 disseminate information related to the prevention, detection, and control of violations of this
4999 chapter and Title 32B, Alcoholic Beverage Control Act, as it relates to storage or consumption
5000 of an alcoholic beverage or alcoholic product on premises maintained by a bar establishment
5001 licensee, or a person required to obtain a bar establishment license, as defined in Section
5002 [32B-1-102](#);

5003 (3) make inspections and investigations as required by the commission and the
5004 Department of Alcoholic Beverage [~~Control~~] Services;

5005 (4) perform other acts as may be necessary or appropriate concerning control of the use
5006 of an alcoholic beverage or alcoholic product and drugs; and

5007 (5) make reports and recommendations to the Legislature, the governor, the
5008 commissioner, the commission, and the Department of Alcoholic Beverage [~~Control~~] Services
5009 as may be required or requested.

5010 Section 81. Section **53F-9-304** is amended to read:

5011 **53F-9-304. Underage Drinking and Substance Abuse Prevention Program**
5012 **Restricted Account.**

5013 (1) As used in this section, "account" means the Underage Drinking and Substance
5014 Abuse Prevention Program Restricted Account created in this section.

5015 (2) There is created within the Education Fund a restricted account known as the
5016 "Underage Drinking and Substance Abuse Prevention Program Restricted Account."

5017 (3) (a) Before the Department of Alcoholic Beverage [~~Control~~] Services deposits any
5018 portion of the markup collected under Section 32B-2-304 into the Liquor Control Fund in
5019 accordance with Section 32B-2-301, the Department of Alcoholic Beverage [~~Control~~] Services
5020 shall deposit into the account:

5021 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

5022 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the
5023 amount that the Department of Alcoholic Beverage [~~Control~~] Services deposited into the
5024 account during the preceding fiscal year increased or decreased by a percentage equal to the
5025 percentage difference between the Consumer Price Index for the second preceding calendar
5026 year and the Consumer Price Index for the preceding calendar year.

5027 (b) For purposes of this Subsection (3), the Department of Alcoholic Beverage
5028 [~~Control~~] Services shall calculate the Consumer Price Index in accordance with 26 U.S.C.
5029 Secs. 1(f)(4) and 1(f)(5).

5030 (4) The account shall be funded:

5031 (a) in accordance with Subsection (3);

5032 (b) by appropriations made to the account by the Legislature; and

5033 (c) by interest earned on money in the account.

5034 (5) The state board shall use money in the account for the Underage Drinking and
5035 Substance Abuse Prevention Program described in Section 53G-10-406.

5036 Section 82. Section 53G-10-406 is amended to read:

5037 **53G-10-406. Underage Drinking and Substance Abuse Prevention Program --**
5038 **State board rules.**

5039 (1) As used in this section:

5040 (a) "Advisory council" means the Underage Drinking and Substance Abuse Prevention
5041 Program Advisory Council created in this section.

5042 (b) "Program" means the Underage Drinking and Substance Abuse Prevention Program
5043 created in this section.

5044 (c) "School-based prevention program" means an evidence-based program that:

5045 (i) is aimed at preventing underage consumption of alcohol and underage use of
5046 electronic cigarette products;

5047 (ii) is delivered by methods that engage students in storytelling and visualization;

5048 (iii) addresses the behavioral risk factors associated with underage drinking and use of
5049 electronic cigarette products; and

5050 (iv) provides practical tools to address the dangers of underage drinking and use of
5051 electronic cigarette products.

5052 (2) There is created the Underage Drinking and Substance Abuse Prevention Program
5053 that consists of:

5054 (a) a school-based prevention program for students in grade 4 or 5;

5055 (b) a school-based prevention program for students in grade 7 or 8; and

5056 (c) a school-based prevention program for students in grade 9 or 10 that increases
5057 awareness of the dangers of driving under the influence of alcohol.

5058 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
5059 school year to each student in grade 7 or 8 and grade 9 or 10.

5060 (b) In addition to Subsection (3)(a), beginning with the 2020-21 school year, an LEA
5061 shall offer the program each school year to each student in grade 4 or 5.

5062 (c) An LEA shall select from the providers qualified by the state board under
5063 Subsection (6) to offer the program.

5064 (4) The state board shall administer the program with input from the advisory council.

5065 (5) There is created the Underage Drinking and Substance Abuse Prevention Program
5066 Advisory Council comprised of the following members:

5067 (a) the executive director of the Department of Alcoholic Beverage ~~[Control]~~ Services
5068 or the executive director's designee;

5069 (b) the executive director of the Department of Health or the executive director's
5070 designee;

5071 (c) the director of the Division of Substance Abuse and Mental Health or the director's
5072 designee;

5073 (d) the director of the Division of Child and Family Services or the director's designee;

5074 (e) the director of the Division of Juvenile Justice Services or the director's designee;

5075 (f) the state superintendent or the state superintendent's designee; and

5076 (g) two members of the state board, appointed by the chair of the state board.

5077 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
5078 board shall qualify one or more providers to provide the program to an LEA.

5079 (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:

5080 (i) whether the provider's program complies with the requirements described in this
5081 section;

5082 (ii) the extent to which the provider's prevention program aligns with core standards for
5083 Utah public schools; and

5084 (iii) the provider's experience in providing a program that is effective.

5085 (7) (a) The state board shall use money from the Underage Drinking and Substance
5086 Abuse Prevention Program Restricted Account described in Section 53F-9-304 for the
5087 program.

5088 (b) The state board may use money from the Underage Drinking Prevention Program
5089 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
5090 program.

5091 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5092 state board shall make rules that:

5093 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage
5094 Drinking and Substance Abuse Prevention Program each school year to each student in grade 7
5095 or 8 and grade 9 or 10;

5096 (b) beginning with the 2020-21 school year, require an LEA to offer the Underage
5097 Drinking and Substance Abuse Prevention Program each school year to each student in grade 4
5098 or 5; and

5099 (c) establish criteria for the state board to use in selecting a provider described in
5100 Subsection (6).

5101 Section 83. Section **59-1-403** is amended to read:

5102 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

5103 (1) As used in this section:

5104 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

5105 (i) the commission administers under:

5106 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

5107 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

5108 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

5109 (D) Section 19-6-805;

5110 (E) Section 63H-1-205; or
5111 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;
5112 and
5113 (ii) with respect to which the commission distributes the revenue collected from the
5114 tax, fee, or charge to a qualifying jurisdiction.
5115 (b) "Qualifying jurisdiction" means:
5116 (i) a county, city, town, or metro township; or
5117 (ii) the military installation development authority created in Section 63H-1-201.
5118 (2) (a) Any of the following may not divulge or make known in any manner any
5119 information gained by that person from any return filed with the commission:
5120 (i) a tax commissioner;
5121 (ii) an agent, clerk, or other officer or employee of the commission; or
5122 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
5123 town.
5124 (b) An official charged with the custody of a return filed with the commission is not
5125 required to produce the return or evidence of anything contained in the return in any action or
5126 proceeding in any court, except:
5127 (i) in accordance with judicial order;
5128 (ii) on behalf of the commission in any action or proceeding under:
5129 (A) this title; or
5130 (B) other law under which persons are required to file returns with the commission;
5131 (iii) on behalf of the commission in any action or proceeding to which the commission
5132 is a party; or
5133 (iv) on behalf of any party to any action or proceeding under this title if the report or
5134 facts shown by the return are directly involved in the action or proceeding.
5135 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may
5136 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
5137 pertinent to the action or proceeding.
5138 (3) This section does not prohibit:
5139 (a) a person or that person's duly authorized representative from receiving a copy of
5140 any return or report filed in connection with that person's own tax;

5141 (b) the publication of statistics as long as the statistics are classified to prevent the
5142 identification of particular reports or returns; and

5143 (c) the inspection by the attorney general or other legal representative of the state of the
5144 report or return of any taxpayer:

5145 (i) who brings action to set aside or review a tax based on the report or return;

5146 (ii) against whom an action or proceeding is contemplated or has been instituted under
5147 this title; or

5148 (iii) against whom the state has an unsatisfied money judgment.

5149 (4) (a) Notwithstanding Subsection (2) and for purposes of administration, the
5150 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
5151 Rulemaking Act, provide for a reciprocal exchange of information with:

5152 (i) the United States Internal Revenue Service; or

5153 (ii) the revenue service of any other state.

5154 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and
5155 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
5156 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
5157 other written statements with the federal government, any other state, any of the political
5158 subdivisions of another state, or any political subdivision of this state, except as limited by
5159 Sections [59-12-209](#) and [59-12-210](#), if the political subdivision, other state, or the federal
5160 government grant substantially similar privileges to this state.

5161 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
5162 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
5163 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
5164 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
5165 due.

5166 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the
5167 Division of Environmental Response and Remediation, as defined in Section [19-6-402](#), as
5168 requested by the director of the Division of Environmental Response and Remediation, any
5169 records, returns, or other information filed with the commission under Chapter 13, Motor and
5170 Special Fuel Tax Act, or Section [19-6-410.5](#) regarding the environmental assurance program
5171 participation fee.

5172 (e) Notwithstanding Subsection (2), at the request of any person the commission shall
5173 provide that person sales and purchase volume data reported to the commission on a report,
5174 return, or other information filed with the commission under:

5175 (i) Chapter 13, Part 2, Motor Fuel; or

5176 (ii) Chapter 13, Part 4, Aviation Fuel.

5177 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,
5178 as defined in Section 59-22-202, the commission shall report to the manufacturer:

5179 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
5180 manufacturer and reported to the commission for the previous calendar year under Section
5181 59-14-407; and

5182 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
5183 manufacturer for which a tax refund was granted during the previous calendar year under
5184 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

5185 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
5186 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
5187 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

5188 (h) Notwithstanding Subsection (2), the commission may:

5189 (i) provide to the Division of Consumer Protection within the Department of
5190 Commerce and the attorney general data:

5191 (A) reported to the commission under Section 59-14-212; or

5192 (B) related to a violation under Section 59-14-211; and

5193 (ii) upon request, provide to any person data reported to the commission under
5194 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

5195 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee
5196 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
5197 Planning and Budget, provide to the committee or office the total amount of revenues collected
5198 by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period
5199 specified by the committee or office.

5200 (j) Notwithstanding Subsection (2), the commission shall make the directory required
5201 by Section 59-14-603 available for public inspection.

5202 (k) Notwithstanding Subsection (2), the commission may share information with

5203 federal, state, or local agencies as provided in Subsection [59-14-606\(3\)](#).

5204 (l) (i) Notwithstanding Subsection (2), the commission shall provide the Office of
5205 Recovery Services within the Department of Human Services any relevant information
5206 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
5207 who has become obligated to the Office of Recovery Services.

5208 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of
5209 Recovery Services to any other state's child support collection agency involved in enforcing
5210 that support obligation.

5211 (m) (i) Notwithstanding Subsection (2), upon request from the state court
5212 administrator, the commission shall provide to the state court administrator, the name, address,
5213 telephone number, county of residence, and social security number on resident returns filed
5214 under Chapter 10, Individual Income Tax Act.

5215 (ii) The state court administrator may use the information described in Subsection
5216 (4)(m)(i) only as a source list for the master jury list described in Section [78B-1-106](#).

5217 (n) (i) As used in this Subsection (4)(n):

5218 (A) "GO Utah office" means the Governor's Office of Economic Opportunity created in
5219 Section [63N-1a-301](#).

5220 (B) "Income tax information" means information gained by the commission that is
5221 required to be attached to or included in a return filed with the commission under Chapter 7,
5222 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

5223 (C) "Other tax information" means information gained by the commission that is
5224 required to be attached to or included in a return filed with the commission except for a return
5225 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
5226 Income Tax Act.

5227 (D) "Tax information" means income tax information or other tax information.

5228 (ii) (A) Notwithstanding Subsection (2) and except as provided in Subsection
5229 (4)(n)(ii)(B) or (C), the commission shall at the request of the GO Utah office provide to the
5230 GO Utah office all income tax information.

5231 (B) For purposes of a request for income tax information made under Subsection
5232 (4)(n)(ii)(A), the GO Utah office may not request and the commission may not provide to the
5233 GO Utah office a person's address, name, social security number, or taxpayer identification

5234 number.

5235 (C) In providing income tax information to the GO Utah office, the commission shall
5236 in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

5237 (iii) (A) Notwithstanding Subsection (2) and except as provided in Subsection
5238 (4)(n)(iii)(B), the commission shall at the request of the GO Utah office provide to the GO
5239 Utah office other tax information.

5240 (B) Before providing other tax information to the GO Utah office, the commission
5241 shall redact or remove any name, address, social security number, or taxpayer identification
5242 number.

5243 (iv) The GO Utah office may provide tax information received from the commission in
5244 accordance with this Subsection (4)(n) only:

5245 (A) as a fiscal estimate, fiscal note information, or statistical information; and

5246 (B) if the tax information is classified to prevent the identification of a particular
5247 return.

5248 (v) (A) A person may not request tax information from the GO Utah office under Title
5249 63G, Chapter 2, Government Records Access and Management Act, or this section, if the GO
5250 Utah office received the tax information from the commission in accordance with this
5251 Subsection (4)(n).

5252 (B) The GO Utah office may not provide to a person that requests tax information in
5253 accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information the
5254 GO Utah office provides in accordance with Subsection (4)(n)(iv).

5255 (o) Notwithstanding Subsection (2), the commission may provide to the governing
5256 board of the agreement or a taxing official of another state, the District of Columbia, the United
5257 States, or a territory of the United States:

5258 (i) the following relating to an agreement sales and use tax:

5259 (A) information contained in a return filed with the commission;

5260 (B) information contained in a report filed with the commission;

5261 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

5262 (D) a document filed with the commission; or

5263 (ii) a report of an audit or investigation made with respect to an agreement sales and
5264 use tax.

5265 (p) Notwithstanding Subsection (2), the commission may provide information
5266 concerning a taxpayer's state income tax return or state income tax withholding information to
5267 the Driver License Division if the Driver License Division:

5268 (i) requests the information; and

5269 (ii) provides the commission with a signed release form from the taxpayer allowing the
5270 Driver License Division access to the information.

5271 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah
5272 Communications Authority, or a division of the Utah Communications Authority, the
5273 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and
5274 [63H-7a-502](#).

5275 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah
5276 Educational Savings Plan information related to a resident or nonresident individual's
5277 contribution to a Utah Educational Savings Plan account as designated on the resident or
5278 nonresident's individual income tax return as provided under Section [59-10-1313](#).

5279 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under
5280 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the
5281 Department of Health or its designee with the adjusted gross income of an individual if:

5282 (i) an eligibility worker with the Department of Health or its designee requests the
5283 information from the commission; and

5284 (ii) the eligibility worker has complied with the identity verification and consent
5285 provisions of Sections [26-18-2.5](#) and [26-40-105](#).

5286 (t) Notwithstanding Subsection (2), the commission may provide to a county, as
5287 determined by the commission, information declared on an individual income tax return in
5288 accordance with Section [59-10-103.1](#) that relates to eligibility to claim a residential exemption
5289 authorized under Section [59-2-103](#).

5290 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding
5291 any access line provider that is over 90 days delinquent in payment to the commission of
5292 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless
5293 Telecommunications Service Charges, to the board of the Utah Communications Authority
5294 created in Section [63H-7a-201](#).

5295 (v) Notwithstanding Subsection (2), the commission shall provide the Department of

5296 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the
5297 previous calendar year under Section 59-24-103.5.

5298 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the
5299 Department of Workforce Services any information received under Chapter 10, Part 4,
5300 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

5301 (x) Notwithstanding Subsection (2), the commission may provide the Public Service
5302 Commission or the Division of Public Utilities information related to a seller that collects and
5303 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's
5304 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

5305 (y) (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying
5306 jurisdiction the collection data necessary to verify the revenue collected by the commission for
5307 a distributed tax, fee, or charge collected within the qualifying jurisdiction.

5308 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission
5309 shall provide a qualifying jurisdiction with copies of returns and other information relating to a
5310 distributed tax, fee, or charge collected within the qualifying jurisdiction.

5311 (iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief
5312 executive officer or the chief executive officer's designee of the qualifying jurisdiction shall
5313 submit a written request to the commission that states the specific information sought and how
5314 the qualifying jurisdiction intends to use the information.

5315 (B) The information described in Subsection (4)(y)(ii) is available only in official
5316 matters of the qualifying jurisdiction.

5317 (iv) Information that a qualifying jurisdiction receives in response to a request under
5318 this subsection is:

5319 (A) classified as a private record under Title 63G, Chapter 2, Government Records
5320 Access and Management Act; and

5321 (B) subject to the confidentiality requirements of this section.

5322 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic
5323 Beverage ~~Control~~ Services Commission, upon request, with taxpayer status information
5324 related to state tax obligations necessary to comply with the requirements described in Section
5325 32B-1-203.

5326 (5) (a) Each report and return shall be preserved for at least three years.

5327 (b) After the three-year period provided in Subsection (5)(a) the commission may
5328 destroy a report or return.

5329 (6) (a) Any individual who violates this section is guilty of a class A misdemeanor.

5330 (b) If the individual described in Subsection (6)(a) is an officer or employee of the
5331 state, the individual shall be dismissed from office and be disqualified from holding public
5332 office in this state for a period of five years thereafter.

5333 (c) Notwithstanding Subsection (6)(a) or (b), the GO Utah office, when requesting
5334 information in accordance with Subsection (4)(n)(iii), or an individual who requests
5335 information in accordance with Subsection (4)(n)(v):

5336 (i) is not guilty of a class A misdemeanor; and

5337 (ii) is not subject to:

5338 (A) dismissal from office in accordance with Subsection (6)(b); or

5339 (B) disqualification from holding public office in accordance with Subsection (6)(b).

5340 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

5341 Section 84. Section 59-15-108 is amended to read:

5342 **59-15-108. Construction and equipment of establishments.**

5343 No brewery or other establishment may be constructed or equipped in a manner which
5344 facilitates any breach of this chapter or the rules of the Alcoholic Beverage [~~Control~~] Services
5345 Commission or State Tax Commission. Any structure or equipment in violation of this section
5346 shall be removed by order of the Alcoholic Beverage Control Commission or the State Tax
5347 Commission.

5348 Section 85. Section 62A-1-121 is amended to read:

5349 **62A-1-121. Tracking effects of abuse of alcoholic products.**

5350 (1) There is created a committee within the department known as the "Alcohol Abuse
5351 Tracking Committee" that consists of:

5352 (a) the executive director or the executive director's designee;

5353 (b) the executive director of the Department of Health or that executive director's
5354 designee;

5355 (c) the commissioner of the Department of Public Safety or the commissioner's
5356 designee;

5357 (d) the director of the Department of Alcoholic Beverage [~~Control~~] Services or that

5358 director's designee;

5359 (e) the executive director of the Department of Workforce Services or that executive
5360 director's designee;

5361 (f) the chair of the Utah Substance Use and Mental Health Advisory Council or the
5362 chair's designee;

5363 (g) the state court administrator or the state court administrator's designee; and

5364 (h) the director of the Division of Technology Services or that director's designee.

5365 (2) The executive director or the executive director's designee shall chair the
5366 committee.

5367 (3) (a) Four members of the committee constitute a quorum.

5368 (b) A vote of the majority of the committee members present when a quorum is present
5369 is an action of the committee.

5370 (4) The committee shall meet at the call of the chair, except that the chair shall call a
5371 meeting at least twice a year:

5372 (a) with one meeting held each year to develop the report required under Subsection
5373 (7); and

5374 (b) with one meeting held to review and finalize the report before the report is issued.

5375 (5) The committee may adopt additional procedures or requirements for:

5376 (a) voting, when there is a tie of the committee members;

5377 (b) how meetings are to be called; and

5378 (c) the frequency of meetings.

5379 (6) The committee shall establish a process to collect for each calendar year the
5380 following information:

5381 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no
5382 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
5383 violation related to underage drinking of alcohol;

5384 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no
5385 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
5386 violation related to driving under the influence of alcohol;

5387 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,
5388 related to over-serving or over-consumption of an alcoholic product;

- 5389 (d) the cost of social services provided by the state related to abuse of alcohol,
5390 including services provided by the Division of Child and Family Services;
5391 (e) the location where the alcoholic products that result in the violations or costs
5392 described in Subsections (6)(a) through (d) are obtained; and
5393 (f) any information the committee determines can be collected and relates to the abuse
5394 of alcoholic products.

5395 (7) The committee shall report the information collected under Subsection (6) annually
5396 to the governor and the Legislature by no later than the July 1 immediately following the
5397 calendar year for which the information is collected.

5398 Section 86. Section **62A-15-401** is amended to read:

5399 **62A-15-401. Alcohol training and education seminar.**

5400 (1) As used in this part:

5401 (a) "Instructor" means a person that directly provides the instruction during an alcohol
5402 training and education seminar for a seminar provider.

5403 (b) "Licensee" means a person who is:

5404 (i) (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act;

5405 and

5406 (B) engaged in the retail sale of an alcoholic product for consumption on the premises
5407 of the licensee; or

5408 (ii) a business that is:

5409 (A) a new or renewing licensee licensed by a city, town, or county; and

5410 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

5411 (c) "Off-premise beer retailer" is as defined in Section [32B-1-102](#).

5412 (d) "Seminar provider" means a person other than the division who provides an alcohol
5413 training and education seminar meeting the requirements of this section.

5414 (2) (a) This section applies to:

5415 (i) a retail manager as defined in Section [32B-1-701](#);

5416 (ii) retail staff as defined in Section [32B-1-701](#); and

5417 (iii) an individual who, as defined by division rule:

5418 (A) directly supervises the sale of beer to a customer for consumption off the premises
5419 of an off-premise beer retailer; or

5420 (B) sells beer to a customer for consumption off the premises of an off-premise beer
5421 retailer.

5422 (b) If the individual does not have a valid record that the individual has completed an
5423 alcohol training and education seminar, an individual described in Subsection (2)(a) shall:

5424 (i) (A) complete an alcohol training and education seminar within 30 days of the
5425 following if the individual is described in Subsection (2)(a)(i) or (ii):

5426 (I) if the individual is an employee, the day the individual begins employment;

5427 (II) if the individual is an independent contractor, the day the individual is first hired;

5428 or

5429 (III) if the individual holds an ownership interest in the licensee, the day that the
5430 individual first engages in an activity that would result in that individual being required to
5431 complete an alcohol training and education seminar; or

5432 (B) complete an alcohol training and education seminar within the time periods
5433 specified in Subsection 32B-1-703(1) if the individual is described in Subsection (2)(a)(iii)(A)
5434 or (B); and

5435 (ii) pay a fee:

5436 (A) to the seminar provider; and

5437 (B) that is equal to or greater than the amount established under Subsection (4)(h).

5438 (c) An individual shall have a valid record that the individual completed an alcohol
5439 training and education seminar within the time period provided in this Subsection (2) to engage
5440 in an activity described in Subsection (2)(a).

5441 (d) A record that an individual has completed an alcohol training and education
5442 seminar is valid for:

5443 (i) three years from the day on which the record is issued for an individual described in
5444 Subsection (2)(a)(i) or (ii); and

5445 (ii) five years from the day on which the record is issued for an individual described in
5446 Subsection (2)(a)(iii)(A) or (B).

5447 (e) On and after July 1, 2011, to be considered as having completed an alcohol training
5448 and education seminar, an individual shall:

5449 (i) attend the alcohol training and education seminar and take any test required to
5450 demonstrate completion of the alcohol training and education seminar in the physical presence

5451 of an instructor of the seminar provider; or

5452 (ii) complete the alcohol training and education seminar and take any test required to
5453 demonstrate completion of the alcohol training and education seminar through an online course
5454 or testing program that meets the requirements described in Subsection (2)(f).

5455 (f) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
5456 Administrative Rulemaking Act, establish one or more requirements for an online course or
5457 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of
5458 the online course or testing program. In developing the requirements by rule the division shall
5459 consider whether to require:

5460 (i) authentication that the an individual accurately identifies the individual as taking the
5461 online course or test;

5462 (ii) measures to ensure that an individual taking the online course or test is focused on
5463 training material throughout the entire training period;

5464 (iii) measures to track the actual time an individual taking the online course or test is
5465 actively engaged online;

5466 (iv) a seminar provider to provide technical support, such as requiring a telephone
5467 number, email, or other method of communication that allows an individual taking the online
5468 course or test to receive assistance if the individual is unable to participate online because of
5469 technical difficulties;

5470 (v) a test to meet quality standards, including randomization of test questions and
5471 maximum time limits to take a test;

5472 (vi) a seminar provider to have a system to reduce fraud as to who completes an online
5473 course or test, such as requiring a distinct online certificate with information printed on the
5474 certificate that identifies the person taking the online course or test, or requiring measures to
5475 inhibit duplication of a certificate;

5476 (vii) measures for the division to audit online courses or tests;

5477 (viii) measures to allow an individual taking an online course or test to provide an
5478 evaluation of the online course or test;

5479 (ix) a seminar provider to track the Internet protocol address or similar electronic
5480 location of an individual who takes an online course or test;

5481 (x) an individual who takes an online course or test to use an e-signature; or

5482 (xi) a seminar provider to invalidate a certificate if the seminar provider learns that the
5483 certificate does not accurately reflect the individual who took the online course or test.

5484 (3) (a) A licensee may not permit an individual who is not in compliance with
5485 Subsection (2) to:

5486 (i) serve or supervise the serving of an alcoholic product to a customer for
5487 consumption on the premises of the licensee;

5488 (ii) engage in any activity that would constitute managing operations at the premises of
5489 a licensee that engages in the retail sale of an alcoholic product for consumption on the
5490 premises of the licensee;

5491 (iii) directly supervise the sale of beer to a customer for consumption off the premises
5492 of an off-premise beer retailer; or

5493 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
5494 retailer.

5495 (b) A licensee that violates Subsection (3)(a) is subject to Section [32B-1-702](#).

5496 (4) The division shall:

5497 (a) (i) provide alcohol training and education seminars; or

5498 (ii) certify one or more seminar providers;

5499 (b) establish the curriculum for an alcohol training and education seminar that includes
5500 the following subjects:

5501 (i) (A) alcohol as a drug; and

5502 (B) alcohol's effect on the body and behavior;

5503 (ii) recognizing the problem drinker or signs of intoxication;

5504 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
5505 as determined in consultation with the Department of Alcoholic Beverage ~~[Control]~~ Services;

5506 (iv) dealing with the problem customer, including ways to terminate sale or service;
5507 and

5508 (v) for those supervising or engaging in the retail sale of an alcoholic product for
5509 consumption on the premises of a licensee, alternative means of transportation to get the
5510 customer safely home;

5511 (c) recertify each seminar provider every three years;

5512 (d) monitor compliance with the curriculum described in Subsection (4)(b);

- 5513 (e) maintain for at least five years a record of every person who has completed an
5514 alcohol training and education seminar;
- 5515 (f) provide the information described in Subsection (4)(e) on request to:
- 5516 (i) the Department of Alcoholic Beverage [~~Control~~] Services;
- 5517 (ii) law enforcement; or
- 5518 (iii) a person licensed by the state or a local government to sell an alcoholic product;
- 5519 (g) provide the Department of Alcoholic Beverage [~~Control~~] Services on request a list
5520 of any seminar provider certified by the division; and
- 5521 (h) establish a fee amount for each person attending an alcohol training and education
5522 seminar that is sufficient to offset the division's cost of administering this section.
- 5523 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
5524 Administrative Rulemaking Act:
- 5525 (a) define what constitutes under this section an individual who:
- 5526 (i) manages operations at the premises of a licensee engaged in the retail sale of an
5527 alcoholic product for consumption on the premises of the licensee;
- 5528 (ii) supervises the serving of an alcoholic product to a customer for consumption on the
5529 premises of a licensee;
- 5530 (iii) serves an alcoholic product to a customer for consumption on the premises of a
5531 licensee;
- 5532 (iv) directly supervises the sale of beer to a customer for consumption off the premises
5533 of an off-premise beer retailer; or
- 5534 (v) sells beer to a customer for consumption off the premises of an off-premise beer
5535 retailer;
- 5536 (b) establish criteria for certifying and recertifying a seminar provider; and
- 5537 (c) establish guidelines for the manner in which an instructor provides an alcohol
5538 education and training seminar.
- 5539 (6) A seminar provider shall:
- 5540 (a) obtain recertification by the division every three years;
- 5541 (b) ensure that an instructor used by the seminar provider:
- 5542 (i) follows the curriculum established under this section; and
- 5543 (ii) conducts an alcohol training and education seminar in accordance with the

5544 guidelines established by rule;

5545 (c) ensure that any information provided by the seminar provider or instructor of a
5546 seminar provider is consistent with:

5547 (i) the curriculum established under this section; and

5548 (ii) this section;

5549 (d) provide the division with the names of all persons who complete an alcohol training
5550 and education seminar provided by the seminar provider;

5551 (e) (i) collect a fee for each person attending an alcohol training and education seminar
5552 in accordance with Subsection (2); and

5553 (ii) forward to the division the portion of the fee that is equal to the amount described
5554 in Subsection (4)(h); and

5555 (f) issue a record to an individual that completes an alcohol training and education
5556 seminar provided by the seminar provider.

5557 (7) (a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
5558 Administrative Procedures Act, the division finds that a seminar provider violates this section
5559 or that an instructor of the seminar provider violates this section, the division may:

5560 (i) suspend the certification of the seminar provider for a period not to exceed 90 days;

5561 (ii) revoke the certification of the seminar provider;

5562 (iii) require the seminar provider to take corrective action regarding an instructor; or

5563 (iv) prohibit the seminar provider from using an instructor until such time that the
5564 seminar provider establishes to the satisfaction of the division that the instructor is in
5565 compliance with Subsection (6)(b).

5566 (b) The division may certify a seminar provider whose certification is revoked:

5567 (i) no sooner than 90 days from the date the certification is revoked; and

5568 (ii) if the seminar provider establishes to the satisfaction of the division that the
5569 seminar provider will comply with this section.

5570 Section 87. Section **63A-17-502** is amended to read:

5571 **63A-17-502. Overtime policies for state employees.**

5572 (1) As used in this section:

5573 (a) "Accrued overtime hours" means:

5574 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end

5575 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt
5576 state employee who accrued them; and

5577 (ii) for exempt employees, overtime hours earned during an overtime year.

5578 (b) "Appointed official" means:

5579 (i) each department executive director and deputy director, each division director, and
5580 each member of a board or commission; and

5581 (ii) any other person employed by a department who is appointed by, or whose
5582 appointment is required by law to be approved by, the governor and who:

5583 (A) is paid a salary by the state; and

5584 (B) who exercises managerial, policy-making, or advisory responsibility.

5585 (c) "Department" means the Department of Government Operations, the Department of
5586 Corrections, the Department of Financial Institutions, the Department of Alcoholic Beverage
5587 [~~Control~~] Services, the Insurance Department, the Public Service Commission, the Labor
5588 Commission, the Department of Agriculture and Food, the Department of Human Services, the
5589 Department of Natural Resources, the Department of Transportation, the Department of
5590 Commerce, the Department of Workforce Services, the State Tax Commission, the Department
5591 of Cultural and Community Engagement, the Department of Health, the National Guard, the
5592 Department of Environmental Quality, the Department of Public Safety, the Commission on
5593 Criminal and Juvenile Justice, all merit employees except attorneys in the Office of the
5594 Attorney General, merit employees in the Office of the State Treasurer, merit employees in the
5595 Office of the State Auditor, Department of Veterans and Military Affairs, and the Board of
5596 Pardons and Parole.

5597 (d) "Elected official" means any person who is an employee of the state because the
5598 person was elected by the registered voters of Utah to a position in state government.

5599 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair
5600 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

5601 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

5602 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards
5603 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of
5604 compensation the nonexempt employee will receive for overtime.

5605 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by

5606 the division applying FLSA requirements.

5607 (i) "Overtime" means actual time worked in excess of the employee's defined work
5608 period.

5609 (j) "Overtime year" means the year determined by a department under Subsection
5610 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

5611 (k) "State employee" means every person employed by a department who is not:

5612 (i) an appointed official;

5613 (ii) an elected official; or

5614 (iii) a member of a board or commission who is paid only for per diem or travel
5615 expenses.

5616 (l) "Uniform annual date" means the date when an exempt employee's accrued
5617 overtime lapses.

5618 (m) "Work period" means:

5619 (i) for all nonexempt employees, except law enforcement and hospital employees, a
5620 consecutive seven day 24 hour work period of 40 hours;

5621 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and

5622 (iii) for nonexempt law enforcement and hospital employees, the period established by
5623 each department by rule for those employees according to the requirements of the Fair Labor
5624 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

5625 (2) Each department shall compensate each state employee who works overtime by
5626 complying with the requirements of this section.

5627 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each
5628 nonexempt employee.

5629 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
5630 compensated for overtime by:

5631 (i) taking time off work at the rate of one and one-half hour off for each overtime hour
5632 worked; or

5633 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per
5634 hour that the state employee receives for nonovertime work.

5635 (c) Any nonexempt employee who elects to take time off under this Subsection (3)
5636 shall be paid for any overtime worked in excess of the cap established by the division.

5637 (d) Before working any overtime, each nonexempt employee shall obtain authorization
5638 to work overtime from the employee's immediate supervisor.

5639 (e) Each department shall:

5640 (i) for employees who elect to be compensated with time off for overtime, allow
5641 overtime earned during a fiscal year to be accumulated; and

5642 (ii) for employees who elect to be paid for overtime worked, pay them for overtime
5643 worked in the paycheck for the pay period in which the employee worked the overtime.

5644 (f) If a department pays a nonexempt employee for overtime, that department shall
5645 charge that payment to that department's budget.

5646 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
5647 overtime hours for nonexempt employees and charge that total against the appropriate fund or
5648 subfund.

5649 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall
5650 compensate exempt employees who work overtime by granting them time off at the rate of one
5651 hour off for each hour of overtime worked.

5652 (ii) The director of the division may grant limited exceptions to this requirement,
5653 where work circumstances dictate, by authorizing a department to pay employees for overtime
5654 worked at the rate per hour that the employee receives for nonovertime work, if that department
5655 has funds available.

5656 (b) (i) Each department shall:

5657 (A) establish in its written human resource policies a uniform annual date for each
5658 division that is at the end of any pay period; and

5659 (B) communicate the uniform annual date to its employees.

5660 (ii) If any department fails to establish a uniform annual date as required by this
5661 Subsection (4), the director of the division, in conjunction with the director of the Division of
5662 Finance, shall establish the date for that department.

5663 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a
5664 benefit, and is not a vested right.

5665 (ii) A court may not construe the overtime for exempt employees authorized by this
5666 Subsection (4) as an entitlement, a benefit, or as a vested right.

5667 (d) At the end of the overtime year, upon transfer to another department at any time,

5668 and upon termination, retirement, or other situations where the employee will not return to
5669 work before the end of the overtime year:

5670 (i) any of an exempt employee's overtime that is more than the maximum established
5671 by division rule lapses; and

5672 (ii) unless authorized by the director of the division under Subsection (4)(a)(ii), a
5673 department may not compensate the exempt employee for that lapsed overtime by paying the
5674 employee for the overtime or by granting the employee time off for the lapsed overtime.

5675 (e) Before working any overtime, each exempt employee shall obtain authorization to
5676 work overtime from the exempt employee's immediate supervisor.

5677 (f) If a department pays an exempt employee for overtime under authorization from the
5678 director of the division, that department shall charge that payment to that department's budget
5679 in the pay period earned.

5680 (5) The division shall:

5681 (a) ensure that the provisions of the FLSA and this section are implemented throughout
5682 state government;

5683 (b) determine, for each state employee, whether that employee is exempt, nonexempt,
5684 law enforcement, or has some other status under the FLSA;

5685 (c) in coordination with modifications to the systems operated by the Division of
5686 Finance, make rules:

5687 (i) establishing procedures for recording overtime worked that comply with FLSA
5688 requirements;

5689 (ii) establishing requirements governing overtime worked while traveling and
5690 procedures for recording that overtime that comply with FLSA requirements;

5691 (iii) establishing requirements governing overtime worked if the employee is "on call"
5692 and procedures for recording that overtime that comply with FLSA requirements;

5693 (iv) establishing requirements governing overtime worked while an employee is being
5694 trained and procedures for recording that overtime that comply with FLSA requirements;

5695 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt
5696 employee may accrue before a department is required to pay the employee for the overtime
5697 worked;

5698 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an

5699 exempt employee that do not lapse; and

5700 (vii) establishing procedures for adjudicating appeals of any FLSA determinations
5701 made by the division as required by this section;

5702 (d) monitor departments for compliance with the FLSA; and

5703 (e) recommend to the Legislature and the governor any statutory changes necessary
5704 because of federal government action.

5705 (6) (a) In coordination with the procedures for recording overtime worked established
5706 in rule by the division, the Division of Finance shall modify its payroll and human resource
5707 systems to accommodate those procedures.

5708 (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
5709 Administrative Procedures Act, Section 63A-17-602, and Section 67-19a-301, any employee
5710 who is aggrieved by the FLSA designation made by the division as required by this section may
5711 appeal that determination to the director of the division by following the procedures and
5712 requirements established in division rule.

5713 (c) Upon receipt of an appeal under this section, the director shall notify the executive
5714 director of the employee's department that the appeal has been filed.

5715 (d) If the employee is aggrieved by the decision of the director, the employee shall
5716 appeal that determination to the Department of Labor, Wage and Hour Division, according to
5717 the procedures and requirements of federal law.

5718 Section 88. Section 63A-17-807 is amended to read:

5719 **63A-17-807. Department award program.**

5720 (1) As used in this section:

5721 (a) "Department" means the Department of Government Operations, the Department of
5722 Agriculture and Food, the Department of Alcoholic Beverage ~~[Control]~~ Services, the
5723 Department of Commerce, the Department of Cultural and Community Engagement, the
5724 Department of Corrections, the Department of Workforce Services, the Department of
5725 Environmental Quality, the Department of Financial Institutions, the Department of Health, the
5726 Department of Human Services, the Insurance Department, the National Guard, the Department
5727 of Natural Resources, the Department of Public Safety, the Public Service Commission, the
5728 Labor Commission, the State Board of Education, the Utah Board of Higher Education, the
5729 State Tax Commission, and the Department of Transportation.

5730 (b) "Department head" means the individual or body of individuals in whom the
5731 ultimate legal authority of the department is vested by law.

5732 (2) There is created a department awards program to award an outstanding employee in
5733 each department of state government.

5734 (3) (a) On or before April 1 of each year, each department head shall solicit
5735 nominations for outstanding employee of the year for that department from the employees in
5736 that department.

5737 (b) On or before July 1 of each year, the department head shall:

5738 (i) select a person from the department to receive the outstanding employee of the year
5739 award using the criteria established in Subsection (3)(c); and

5740 (ii) announce the recipient of the award to the employees of the department.

5741 (c) Department heads shall make the award to an employee who demonstrates:

5742 (i) extraordinary competence in performing the employee's function;

5743 (ii) creativity in identifying problems and devising workable, cost-effective solutions;

5744 (iii) excellent relationships with the public and other employees;

5745 (iv) a commitment to serving the public as the client; and

5746 (v) a commitment to economy and efficiency in government.

5747 (4) (a) The division shall divide any appropriation for outstanding department
5748 employee awards that the division receives from the Legislature equally among the
5749 departments.

5750 (b) If a department receives money from the division or if a department budget allows,
5751 that department head shall provide the employee with a bonus, a plaque, or some other suitable
5752 acknowledgement of the award.

5753 (5) (a) A department head may name the award after an exemplary present or former
5754 employee of the department.

5755 (b) A department head may not name the award for oneself or for any relative as
5756 defined in Section 52-3-1.

5757 Section 89. Section 63B-3-301 is amended to read:

5758 **63B-3-301. Legislative intent -- Additional projects.**

5759 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
5760 Legislature may authorize the Division of Facilities Construction and Management to enter into

5761 during its 1994 Annual General Session, the State Building Ownership Authority, at the
5762 reasonable rates and amounts it may determine, and with technical assistance from the state
5763 treasurer, the director of the Division of Finance, and the executive director of the Governor's
5764 Office of Planning and Budget, may seek out the most cost effective and prudent lease
5765 purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State Building
5766 Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining
5767 to:

5768 (a) the lease purchase obligation; or

5769 (b) lease rental payments under the lease purchase obligation.

5770 (2) It is the intent of the Legislature that the Department of Transportation dispose of
5771 surplus real properties and use the proceeds from those properties to acquire or construct
5772 through the Division of Facilities Construction and Management a new District Two Complex.

5773 (3) It is the intent of the Legislature that the State Building Board allocate funds from
5774 the Capital Improvement appropriation and donations to cover costs associated with the
5775 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered
5776 by insurance proceeds.

5777 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
5778 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
5779 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
5780 participation interests may be created, to provide up to \$10,600,000 for the construction of a
5781 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

5782 (i) pay costs of issuance;

5783 (ii) pay capitalized interest; and

5784 (iii) fund any debt service reserve requirements.

5785 (b) It is the intent of the Legislature that the authority seek out the most cost effective
5786 and prudent lease purchase plan available with technical assistance from the state treasurer, the
5787 director of the Division of Finance, and the executive director of the Governor's Office of
5788 Planning and Budget.

5789 (c) It is the intent of the Legislature that the operating budget for the Department of
5790 Natural Resources not be increased to fund these lease payments.

5791 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership

5792 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
5793 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
5794 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the
5795 office buildings currently occupied by the Department of Environmental Quality and
5796 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
5797 City, together with additional amounts necessary to:

- 5798 (i) pay costs of issuance;
- 5799 (ii) pay capitalized interest; and
- 5800 (iii) fund any debt service reserve requirements.

5801 (b) It is the intent of the Legislature that the authority seek out the most cost effective
5802 and prudent lease purchase plan available with technical assistance from the state treasurer, the
5803 director of the Division of Finance, and the executive director of the Governor's Office of
5804 Planning and Budget.

5805 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership
5806 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
5807 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
5808 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
5809 construction of up to two field offices for the Department of Human Services in the
5810 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 5811 (i) pay costs of issuance;
- 5812 (ii) pay capitalized interest; and
- 5813 (iii) fund any debt service reserve requirements.

5814 (b) It is the intent of the Legislature that the authority seek out the most cost effective
5815 and prudent lease purchase plan available with technical assistance from the state treasurer, the
5816 director of the Division of Finance, and the executive director of the Governor's Office of
5817 Planning and Budget.

5818 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
5819 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
5820 issue or execute obligations or enter into or arrange for lease purchase agreements in which
5821 participation interests may be created, to provide up to \$5,000,000 for the acquisition or
5822 construction of up to 13 stores for the Department of Alcoholic Beverage ~~Control~~ Services,

5823 together with additional amounts necessary to:

5824 (i) pay costs of issuance;

5825 (ii) pay capitalized interest; and

5826 (iii) fund any debt service reserve requirements.

5827 (b) It is the intent of the Legislature that the authority seek out the most cost effective
5828 and prudent lease purchase plan available with technical assistance from the state treasurer, the
5829 director of the Division of Finance, and the executive director of the Governor's Office of
5830 Planning and Budget.

5831 (c) It is the intent of the Legislature that the operating budget for the Department of
5832 Alcoholic Beverage [~~Control~~] Services not be increased to fund these lease payments.

5833 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
5834 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
5835 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
5836 participation interests may be created, to provide up to \$6,800,000 for the construction of a
5837 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
5838 beds, together with additional amounts necessary to:

5839 (i) pay costs of issuance;

5840 (ii) pay capitalized interest; and

5841 (iii) fund any debt service reserve requirements.

5842 (b) It is the intent of the Legislature that the authority seek out the most cost effective
5843 and prudent lease purchase plan available with technical assistance from the state treasurer, the
5844 director of the Division of Finance, and the executive director of the Governor's Office of
5845 Planning and Budget.

5846 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
5847 in Salt Lake City, becomes law, it is the intent of the Legislature that:

5848 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
5849 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
5850 the Office of the Legislative Fiscal Analyst, the Governor's Office of Planning and Budget, and
5851 the State Building Board participate in a review of the proposed facility design for the Courts
5852 Complex no later than December 1994; and

5853 (b) although this review will not affect the funding authorization issued by the 1994

5854 Legislature, it is expected that Division of Facilities Construction and Management will give
5855 proper attention to concerns raised in these reviews and make appropriate design changes
5856 pursuant to the review.

5857 (10) It is the intent of the Legislature that:

5858 (a) the Division of Facilities Construction and Management, in cooperation with the
5859 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
5860 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
5861 to the Division of Juvenile Justice Services;

5862 (b) the development process use existing prototype proposals unless it can be
5863 quantifiably demonstrated that the proposals cannot be used;

5864 (c) the facility is designed so that with minor modifications, it can accommodate
5865 detention, observation and assessment, transition, and secure programs as needed at specific
5866 geographical locations;

5867 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division
5868 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
5869 design and construct one facility and design the other;

5870 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
5871 Justice Services shall:

5872 (A) determine the location for the facility for which design and construction are fully
5873 funded; and

5874 (B) in conjunction with the Division of Facilities Construction and Management,
5875 determine the best methodology for design and construction of the fully funded facility;

5876 (e) the Division of Facilities Construction and Management submit the prototype as
5877 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
5878 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
5879 review;

5880 (f) the Division of Facilities Construction and Management issue a Request for
5881 Proposal for one of the facilities, with that facility designed and constructed entirely by the
5882 winning firm;

5883 (g) the other facility be designed and constructed under the existing Division of
5884 Facilities Construction and Management process;

5885 (h) that both facilities follow the program needs and specifications as identified by
5886 Division of Facilities Construction and Management and the Division of Youth Corrections
5887 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

5888 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

5889 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
5890 Park Master Study be used by the Division of Facilities Construction and Management to
5891 develop a master plan for the State Fair Park that:

5892 (a) identifies capital facilities needs, capital improvement needs, building
5893 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

5894 (b) establishes priorities for development, estimated costs, and projected timetables.

5895 (12) It is the intent of the Legislature that:

5896 (a) the Division of Facilities Construction and Management, in cooperation with the
5897 Division of State Parks, formerly known as the Division of Parks and Recreation, and
5898 surrounding counties, develop a master plan and general program for the phased development
5899 of Antelope Island;

5900 (b) the master plan:

5901 (i) establish priorities for development;

5902 (ii) include estimated costs and projected time tables; and

5903 (iii) include recommendations for funding methods and the allocation of
5904 responsibilities between the parties; and

5905 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
5906 Environmental Quality Appropriations Subcommittee and Infrastructure and General
5907 Government Appropriations Subcommittee.

5908 (13) It is the intent of the Legislature to authorize the University of Utah to use:

5909 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
5910 the supervision of the director of the Division of Facilities Construction and Management
5911 unless supervisory authority is delegated by the director; and

5912 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
5913 Research Building under the supervision of the director of the Division of Facilities
5914 Construction and Management unless supervisory authority is delegated by the director.

5915 (14) It is the intent of the Legislature to authorize Utah State University to use:

5916 (a) federal and other funds to plan, design, and construct the Bee Lab under the
5917 supervision of the director of the Division of Facilities Construction and Management unless
5918 supervisory authority is delegated by the director;

5919 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
5920 Facility addition and renovation under the supervision of the director of the Division of
5921 Facilities Construction and Management unless supervisory authority is delegated by the
5922 director;

5923 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
5924 to the Nutrition and Food Science Building under the supervision of the director of the
5925 Division of Facilities Construction and Management unless supervisory authority is delegated
5926 by the director; and

5927 (d) federal and private funds to plan, design, and construct the Millville Research
5928 Facility under the supervision of the director of the Division of Facilities Construction and
5929 Management unless supervisory authority is delegated by the director.

5930 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

5931 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
5932 Office and Learning Center under the supervision of the director of the Division of Facilities
5933 Construction and Management unless supervisory authority is delegated by the director;

5934 (b) institutional funds to plan, design, and construct the relocation and expansion of a
5935 temporary maintenance compound under the supervision of the director of the Division of
5936 Facilities Construction and Management unless supervisory authority is delegated by the
5937 director; and

5938 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
5939 supervision of the director of the Division of Facilities Construction and Management unless
5940 supervisory authority is delegated by the director.

5941 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

5942 (a) federal funds to plan, design, and construct a Community Services Building under
5943 the supervision of the director of the Division of Facilities Construction and Management
5944 unless supervisory authority is delegated by the director; and

5945 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
5946 expansion under the supervision of the director of the Division of Facilities Construction and

5947 Management unless supervisory authority is delegated by the director.

5948 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
5949 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
5950 Facility in Gunnison under the supervision of the director of the Division of Facilities
5951 Construction and Management unless supervisory authority is delegated by the director.

5952 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
5953 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
5954 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
5955 Division of Facilities Construction and Management unless supervisory authority is delegated
5956 by the director.

5957 (19) It is the intent of the Legislature that the Utah Department of Transportation use
5958 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
5959 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

5960 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
5961 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building
5962 and purchase equipment for use in that building that could be used in metal trades or other
5963 programs in other Applied Technology Centers.

5964 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
5965 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
5966 considered as the highest priority projects for construction funding in fiscal year 1996.

5967 (22) It is the intent of the Legislature that:

5968 (a) the Division of Facilities Construction and Management complete physical space
5969 utilization standards by June 30, 1995, for the use of technology education activities;

5970 (b) these standards are to be developed with and approved by the State Board of
5971 Education, the Board of Regents, and the Utah State Building Board;

5972 (c) these physical standards be used as the basis for:

5973 (i) determining utilization of any technology space based on number of stations capable
5974 and occupied for any given hour of operation; and

5975 (ii) requests for any new space or remodeling;

5976 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
5977 Ogden-Weber Applied Technology Center are exempt from this process; and

5978 (e) the design of the Davis Applied Technology Center take into account the utilization
5979 formulas established by the Division of Facilities Construction and Management.

5980 (23) It is the intent of the Legislature that Utah Valley State College may use the
5981 money from the bond allocated to the remodel of the Signetics building to relocate its technical
5982 education programs at other designated sites or facilities under the supervision of the director
5983 of the Division of Facilities Construction and Management unless supervisory authority is
5984 delegated by the director.

5985 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
5986 project for the Bridgerland Applied Technology Center be used to design and construct the
5987 space associated with Utah State University and design the technology center portion of the
5988 project.

5989 (25) It is the intent of the Legislature that the governor provide periodic reports on the
5990 expenditure of the funds provided for electronic technology, equipment, and hardware to the
5991 Infrastructure and General Government Appropriations Subcommittee, and the Legislative
5992 Management Committee.

5993 Section 90. Section **63B-5-201** is amended to read:

5994 **63B-5-201. Legislative intent statements.**

5995 (1) If the United States Department of Defense has not provided matching funds to
5996 construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities
5997 Construction and Management shall transfer any funds received from issuance of a General
5998 Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital
5999 improvements.

6000 (2) It is the intent of the Legislature that the University of Utah use institutional funds
6001 to plan, design, and construct:

6002 (a) the Health Science East parking structure under the supervision of the director of
6003 the Division of Facilities Construction and Management unless supervisory authority is
6004 delegated by the director;

6005 (b) the Health Science Office Building under the supervision of the director of the
6006 Division of Facilities Construction and Management unless supervisory authority is delegated
6007 by the director; and

6008 (c) the new Student Housing/Olympic Athletes Village under the supervision of the

6009 director of the Division of Facilities Construction and Management unless supervisory
6010 authority is delegated by the director.

6011 (3) It is the intent of the Legislature that Utah State University use institutional funds to
6012 plan, design, and construct a multipurpose facility under the supervision of the director of the
6013 Division of Facilities Construction and Management unless supervisory authority is delegated
6014 by the director.

6015 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal
6016 funding to plan, design, and construct a sample library facility under the supervision of the
6017 director of the Division of Facilities Construction and Management unless supervisory
6018 authority is delegated by the director.

6019 (5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State
6020 Park Club House does not pass, the State Building Ownership Authority, under authority of
6021 Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute
6022 obligations, or enter into or arrange for a lease purchase agreement in which participation
6023 interests may be created, to provide up to \$1,500,000 for the remodel and expansion of the
6024 clubhouse at Wasatch Mountain State Park for the Division of State Parks, formerly known as
6025 the Division of Parks and Recreation, together with additional amounts necessary to:

- 6026 (i) pay costs of issuance;
- 6027 (ii) pay capitalized interest; and
- 6028 (iii) fund any debt service reserve requirements.

6029 (b) The State Building Ownership Authority shall work cooperatively with the
6030 Division of State Parks, formerly known as the Division of Parks and Recreation, to seek out
6031 the most cost effective and prudent lease purchase plan available.

6032 (6) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
6033 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6034 into or arrange for a lease purchase agreement in which participation interests may be created,
6035 to provide up to \$835,300 for the construction of a liquor store in the Snyderville area, together
6036 with additional amounts necessary to:

- 6037 (i) pay costs of issuance;
- 6038 (ii) pay capitalized interest; and
- 6039 (iii) fund any debt service reserve requirements.

6040 (b) The State Building Ownership Authority shall work cooperatively with the
6041 Department of Alcoholic Beverage [~~Control~~] Services to seek out the most cost effective and
6042 prudent lease purchase plan available.

6043 (7) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
6044 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6045 into or arrange for a lease purchase agreement in which participation interests may be created,
6046 to provide up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together
6047 with additional amounts necessary to:

- 6048 (i) pay costs of issuance;
- 6049 (ii) pay capitalized interest; and
- 6050 (iii) fund any debt service reserve requirements.

6051 (b) The State Building Ownership Authority shall work cooperatively with the
6052 University of Utah to seek out the most cost effective and prudent lease purchase plan
6053 available.

6054 (c) It is the intent of the Legislature that the University of Utah lease land to the State
6055 Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

6056 (8) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
6057 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6058 into or arrange for a lease purchase agreement in which participation interests may be created,
6059 to provide up to \$857,600 for the construction of an addition to the Human Services facility in
6060 Vernal, Utah together with additional amounts necessary to:

- 6061 (i) pay costs of issuance;
- 6062 (ii) pay capitalized interest; and
- 6063 (iii) fund any debt service reserve requirements.

6064 (b) The State Building Ownership Authority shall work cooperatively with the
6065 Department of Human Services to seek out the most cost effective and prudent lease purchase
6066 plan available.

6067 (9) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
6068 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6069 into or arrange for a lease purchase agreement in which participation interests may be created,
6070 to provide up to \$3,470,200 for the construction of the Student Services Center, at Utah State

6071 University Eastern, together with additional amounts necessary to:

- 6072 (i) pay costs of issuance;
- 6073 (ii) pay capitalized interest; and
- 6074 (iii) fund any debt service reserve requirements.

6075 (b) The State Building Ownership Authority shall work cooperatively with Utah State
6076 University Eastern to seek out the most cost effective and prudent lease purchase plan
6077 available.

6078 (10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue
6079 Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations,
6080 the State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue
6081 bonds or other evidences of indebtedness of Dixie College to borrow money on the credit of
6082 the income and revenues, including legislative appropriations, of Dixie College, to finance the
6083 acquisition of the Dixie Center.

6084 (b) (i) The bonds or other evidences of indebtedness authorized by this section shall be
6085 issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions
6086 and in amounts that the board, by resolution, determines are reasonable and necessary and may
6087 not exceed \$6,000,000 together with additional amounts necessary to:

- 6088 (A) pay cost of issuance;
- 6089 (B) pay capitalized interest; and
- 6090 (C) fund any debt service reserve requirements.

6091 (ii) To the extent that future legislative appropriations will be required to provide for
6092 payment of debt service in full, the board shall ensure that the revenue bonds are issued
6093 containing a clause that provides for payment from future legislative appropriations that are
6094 legally available for that purpose.

6095 (11) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
6096 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6097 into or arrange for a lease purchase agreement in which participation interests may be created,
6098 to provide up to \$10,479,000 for the construction of a facility for the Courts - Davis County
6099 Regional Expansion, together with additional amounts necessary to:

- 6100 (i) pay costs of issuance;
- 6101 (ii) pay capitalized interest; and

6102 (iii) fund any debt service reserve requirements.

6103 (b) The State Building Ownership Authority shall work cooperatively with the
6104 Administrative Office of the Courts to seek out the most cost effective and prudent lease
6105 purchase plan available.

6106 (12) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
6107 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6108 into or arrange for a lease purchase agreement in which participation interests may be created,
6109 to provide up to \$4,200,000 for the purchase and remodel of the Washington County
6110 Courthouse, together with additional amounts necessary to:

- 6111 (i) pay costs of issuance;
- 6112 (ii) pay capitalized interest; and
- 6113 (iii) fund any debt service reserve requirements.

6114 (b) The State Building Ownership Authority shall work cooperatively with the
6115 Administrative Office of the Courts to seek out the most cost effective and prudent lease
6116 purchase plan available.

6117 (13) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
6118 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6119 into or arrange for a lease purchase agreement in which participation interests may be created,
6120 to provide up to \$14,299,700 for the construction of a facility for the State Library and the
6121 Division of Services for the Blind and Visually Impaired, together with additional amounts
6122 necessary to:

- 6123 (i) pay costs of issuance;
- 6124 (ii) pay capitalized interest; and
- 6125 (iii) fund any debt service reserve requirements.

6126 (b) The State Building Ownership Authority shall work cooperatively with the State
6127 Board of Education and the Governor's Office of Economic Opportunity to seek out the most
6128 cost effective and prudent lease purchase plan available.

6129 Section 91. Section **63B-10-301** is amended to read:

6130 **63B-10-301. Revenue bond authorizations.**

6131 (1) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6132 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,

6133 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in
6134 which participation interests may be created, to provide up to \$8,281,000 for the construction
6135 of an expansion of the Department of Alcoholic Beverage [~~Control~~] Services warehouse
6136 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6137 and fund any debt service reserve requirements.

6138 (b) It is the intent of the Legislature that enhanced revenues of the Department of
6139 Alcoholic Beverage [~~Control~~] Services be used as the primary revenue source for repayment of
6140 any obligation created under authority of this Subsection (1).

6141 (2) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6142 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6143 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in
6144 which participation interests may be created, to provide up to \$957,100 for the acquisition of a
6145 site and construction of a store in the western part of Salt Lake County for the Department of
6146 Alcoholic Beverage [~~Control~~] Services together with additional amounts necessary to pay costs
6147 of issuance, pay capitalized interest, and fund any debt service reserve requirements.

6148 (b) It is the intent of the Legislature that enhanced revenues of the Department of
6149 Alcoholic Beverage [~~Control~~] Services be used as the primary revenue source for repayment of
6150 any obligation created under authority of this Subsection (2).

6151 (3) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6152 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6153 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in
6154 which participation interests may be created, to provide up to \$1,497,700 for the acquisition of
6155 a site and construction of a store in the southern part of Salt Lake County for the Department of
6156 Alcoholic Beverage [~~Control~~] Services together with additional amounts necessary to pay costs
6157 of issuance, pay capitalized interest, and fund any debt service reserve requirements.

6158 (b) It is the intent of the Legislature that enhanced revenues of the Department of
6159 Alcoholic Beverage [~~Control~~] Services be used as the primary revenue source for repayment of
6160 any obligation created under authority of this Subsection (3).

6161 (4) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6162 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6163 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in

6164 which participation interests may be created, to provide up to \$100,000,000 for the acquisition
6165 and construction of a cancer clinical research hospital facility adjacent to the University of
6166 Utah Medical Center, together with additional amounts necessary to pay costs of issuance, pay
6167 capitalized interest, and fund any debt service reserve requirements.

6168 (b) The State Building Ownership Authority shall work cooperatively with the
6169 Division of Facilities Construction and Management and the University of Utah to seek out the
6170 most cost effective and prudent lease purchase plan available.

6171 (c) It is the intent of the Legislature that the University of Utah lease land to the State
6172 Building Ownership Authority for the construction of a cancer clinical research hospital facility
6173 adjacent to the University of Utah Medical Center.

6174 (d) The anticipated revenue sources for repayment of any obligation created under
6175 authority of this section are:

6176 (i) the institutional funds of the University of Utah, including the University's annual
6177 distribution of tobacco settlement funds from the state; and

6178 (ii) donations from the Huntsman Cancer Foundation and other donors.

6179 (e) By September 1 of each year of the existence of this revenue bond, the University
6180 of Utah shall give an annual report regarding the status of the bond and the bond payments to
6181 the Legislative Fiscal Analyst. This report shall be reviewed by the Higher Education
6182 Appropriations Subcommittee and the Capital Facilities Appropriation Subcommittee.

6183 (5) It is the intent of the Legislature that:

6184 (a) the Board of Regents, on behalf of the University of Utah, issue, sell, and deliver
6185 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money
6186 on the credit, revenues, and reserves of the University of Utah, other than appropriations of the
6187 Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping an
6188 expansion of the University Hospital;

6189 (b) University Hospital revenues be used as the primary revenue source for repayment
6190 of any obligation created under authority of this section; and

6191 (c) the bonds or other evidences of indebtedness authorized by this section may provide
6192 up to \$25,000,000, together with other amounts necessary to pay costs of issuance, pay
6193 capitalized interest, and fund any debt service reserve requirements.

6194 (6) It is the intent of the Legislature that:

6195 (a) the Board of Regents, on behalf of Salt Lake Community College, issue, sell, and
6196 deliver revenue bonds or other evidences of indebtedness of Salt Lake Community College to
6197 borrow money on the credit, revenues, and reserves of Salt Lake Community College, other
6198 than appropriations of the Legislature, to finance the cost of acquiring, constructing, furnishing,
6199 and equipping the remodel of the cafeteria and expansion of the Student Center;

6200 (b) student fees be used as the primary revenue source for repayment of any obligation
6201 created under authority of this section; and

6202 (c) the bonds or other evidences of indebtedness authorized by this section may provide
6203 up to \$6,000,000, together with other amounts necessary to pay costs of issuance, pay
6204 capitalized interest, and fund any debt service reserve requirements.

6205 (7) It is the intent of the Legislature that:

6206 (a) the Board of Regents, on behalf of Dixie College, issue, sell, and deliver revenue
6207 bonds or other evidences of indebtedness of Dixie College to borrow money on the credit,
6208 revenues, and reserves of Dixie College, other than appropriations of the Legislature, to finance
6209 the cost of acquiring, constructing, furnishing, and equipping an expansion of the Gardner
6210 Student Center;

6211 (b) student fees be used as the primary revenue source for repayment of any obligation
6212 created under authority of this section; and

6213 (c) the bonds or other evidences of indebtedness authorized by this section may provide
6214 up to \$1,500,000, together with other amounts necessary to pay costs of issuance, pay
6215 capitalized interest, and fund any debt service reserve requirements.

6216 Section 92. Section **63B-11-701** is amended to read:

6217 **63B-11-701. Revenue bond authorizations.**

6218 (1) It is the intent of the Legislature that:

6219 (a) the Board of Regents, on behalf of the University of Utah, issue, sell, and deliver
6220 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money
6221 on the credit, revenues, and reserves of the University of Utah, other than appropriations of the
6222 Legislature, to refinance the cost of acquiring, constructing, furnishing, and equipping the
6223 East-Campus Central Plant and related energy improvements;

6224 (b) savings in heating and cooling costs be used as the primary revenue source for
6225 repayment of any obligation created under authority of this section; and

6226 (c) the bonds or other evidences of indebtedness authorized by this section may provide
6227 up to \$33,000,000, together with other amounts necessary to pay costs of issuance, pay
6228 capitalized interest, and fund any debt service reserve requirements.

6229 (2) It is the intent of the Legislature that:

6230 (a) the Board of Regents, on behalf of Utah State University, issue, sell, and deliver
6231 revenue bonds or other evidences of indebtedness of Utah State University to borrow money on
6232 the credit, revenues, and reserves of Utah State University, other than appropriations of the
6233 Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping research
6234 and office facilities at its Research Park;

6235 (b) revenues from research activities, the Utah State University Research Foundation,
6236 and other institutional funds be used as the primary revenue source for repayment of any
6237 obligation created under authority of this section; and

6238 (c) the bonds or other evidences of indebtedness authorized by this section may provide
6239 up to \$19,000,000, together with other amounts necessary to pay costs of issuance, pay
6240 capitalized interest, and fund any debt service reserve requirements.

6241 (3) It is the intent of the Legislature that:

6242 (a) the Board of Regents, on behalf of Southern Utah University, issue, sell, and deliver
6243 revenue bonds or other evidences of indebtedness of Southern Utah University to borrow
6244 money on the credit, revenues, and reserves of Southern Utah University, other than
6245 appropriations of the Legislature, to finance the cost of acquiring, constructing, furnishing, and
6246 equipping a Student Living and Learning Facility;

6247 (b) student housing and other auxiliary revenues and student building fees be used as
6248 the primary revenue source for repayment of any obligation created under authority of this
6249 section; and

6250 (c) the bonds or other evidences of indebtedness authorized by this section may provide
6251 up to \$9,000,000, together with other amounts necessary to pay costs of issuance, pay
6252 capitalized interest, and fund any debt service reserve requirements.

6253 (4) It is the intent of the Legislature that:

6254 (a) the Board of Regents, on behalf of Snow College, issue, sell, and deliver revenue
6255 bonds or other evidences of indebtedness of Snow College to borrow money on the credit,
6256 revenues, and reserves of Snow College, other than appropriations of the Legislature, to finance

6257 the cost of acquiring, constructing, furnishing, and equipping a Multi-Event Center in
6258 Richfield;

6259 (b) usage fees and other operating revenues be used as the primary revenue source for
6260 repayment of any obligation created under authority of this section; and

6261 (c) the bonds or other evidences of indebtedness authorized by this section may provide
6262 up to \$2,500,000, together with other amounts necessary to pay costs of issuance, pay
6263 capitalized interest, and fund any debt service reserve requirements.

6264 (5) It is the intent of the Legislature that the State Building Ownership Authority, under
6265 the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may
6266 issue or execute obligations, or enter into or arrange for a lease purchase agreement in which
6267 participation interests may be created, to provide up to \$1,836,000 for the acquisition of a site
6268 and construction of a store in Tooele for the Department of Alcoholic Beverage [~~Control~~
6269 Services], together with additional amounts necessary to pay costs of issuance, pay capitalized
6270 interest, and fund any debt service reserve requirements.

6271 Section 93. Section **63B-13-201** is amended to read:

6272 **63B-13-201. Revenue bond authorizations -- State Building Ownership**
6273 **Authority.**

6274 (1) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6275 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6276 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in
6277 which participation interests may be created, to provide up to \$8,205,000 for the acquisition
6278 and construction of five stores for the Department of Alcoholic Beverage [~~Control~~] Services,
6279 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6280 and fund any debt service reserve requirements.

6281 (b) It is the intent of the Legislature that the stores to be addressed through this
6282 authorization are:

6283 (i) a new Park City store;

6284 (ii) replacement of the Mount Olympus store;

6285 (iii) replacement of the Ogden City 2nd Street store;

6286 (iv) replacement of the Ogden Patterson Street store; and

6287 (v) expansion of the Provo store.

6288 (c) It is the intent of the Legislature that proceeds from the sale of stores replaced
6289 through this authorization shall be deposited in the General Fund.

6290 (d) It is further the intent of the Legislature that increased sales revenues be used as the
6291 primary revenue source for repayment of any obligation created under authority of this
6292 Subsection (1).

6293 (2) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6294 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6295 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in
6296 which participation interests may be created, to provide up to \$8,914,000 for the acquisition
6297 and construction of a new regional office building in Ogden, together with additional amounts
6298 necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve
6299 requirements.

6300 (b) It is further the intent of the Legislature that existing rent budgets be used as the
6301 primary revenue source for repayment of any obligation created under authority of this
6302 Subsection (2).

6303 (3) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6304 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6305 may issue or execute obligations, or enter into or arrange for a lease-purchase agreement in
6306 which participation interests may be created, to provide up to \$1,450,000 for the acquisition of
6307 the leased regional office building and adjacent land in Moab, together with additional amounts
6308 necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve
6309 requirements.

6310 (b) It is further the intent of the Legislature that existing rent budgets be used as the
6311 primary revenue source for repayment of any obligation created under authority of this
6312 Subsection (3).

6313 (4) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6314 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6315 may issue or execute obligations, or enter into or arrange for a lease-purchase agreement in
6316 which participation interests may be created, to provide up to \$7,103,000 for the acquisition of
6317 the Tooele Courts building and adjacent land in Tooele City, together with additional amounts
6318 necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve

6319 requirements.

6320 (b) It is further the intent of the Legislature that court fees be used as the primary
6321 revenue source for repayment of any obligation created under authority of this Subsection (4).

6322 Section 94. Section **63B-14-201** is amended to read:

6323 **63B-14-201. Revenue bond authorizations -- State Building Ownership**

6324 **Authority.**

6325 (1) It is the intent of the Legislature that the State Building Ownership Authority, under
6326 the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may
6327 issue or execute obligations, or enter into or arrange for a lease-purchase agreement in which
6328 participation interests may be created, to provide up to \$7,867,000 for the acquisition and
6329 construction of three stores for the Department of Alcoholic Beverage [~~Control~~] Services,
6330 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6331 and fund any debt service reserve requirements.

6332 (2) It is the intent of the Legislature that the stores to be addressed through this
6333 authorization are:

6334 (a) a new wine store in the downtown Salt Lake City area;

6335 (b) a new store in Washington County; and

6336 (c) a new store in southwest Salt Lake County.

6337 (3) It is the intent of the Legislature that:

6338 (a) increased sales revenues be used as the primary revenue source for repayment of
6339 any obligation created under authority of this subsection; and

6340 (b) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6341 and maintenance funding from sales revenues.

6342 Section 95. Section **63B-15-201** is amended to read:

6343 **63B-15-201. Revenue bond authorizations -- State Building Ownership**

6344 **Authority.**

6345 (1) It is the intent of the Legislature that the State Building Ownership Authority, under
6346 the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may
6347 issue or execute obligations, or enter into or arrange for a lease-purchase agreement in which
6348 participation interests may be created, to provide up to \$7,371,000 for the acquisition and
6349 construction of three stores for the Department of Alcoholic Beverage [~~Control~~] Services,

6350 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6351 and fund any debt service reserve requirements.

6352 (2) It is the intent of the Legislature that the stores to be addressed through this
6353 authorization are:

- 6354 (a) a new store in the Holladay/Cottonwood area of Salt Lake County;
- 6355 (b) expansion and remodel of the Kimball Junction store in Summit County; and
- 6356 (c) expansion and remodel of the Redwood Road store in Salt Lake County.

6357 (3) It is the intent of the Legislature that:

6358 (a) increased sales revenues be used as the primary revenue source for repayment of
6359 any obligation created under authority of this section; and

6360 (b) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6361 and maintenance funding from sales revenues.

6362 Section 96. Section **63B-16-201** is amended to read:

6363 **63B-16-201. Revenue bond authorizations -- State Building Ownership**

6364 **Authority.**

6365 (1) It is the intent of the Legislature that:

6366 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6367 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6368 into or arrange for a lease-purchase agreement in which participation interests may be created,
6369 to provide up to \$5,662,000 for the acquisition and construction of three stores for the
6370 Department of Alcoholic Beverage [~~Control~~] Services, together with additional amounts
6371 necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve
6372 requirements;

6373 (b) the stores to be addressed through this authorization are:

- 6374 (i) expansion of the North Temple store in Salt Lake County;
- 6375 (ii) expansion of the Taylorsville store in Salt Lake County; and
- 6376 (iii) reconstruction of the Bountiful store in Davis County;

6377 (c) increased sales revenues be used as the primary revenue source for repayment of
6378 any obligation created under authority of this section; and

6379 (d) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6380 and maintenance funding from sales revenues.

6381 (2) It is the intent of the Legislature that:

6382 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6383 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6384 into or arrange for a lease-purchase agreement in which participation interests may be created,
6385 to provide up to \$1,476,000 for the acquisition and construction of a production warehouse for
6386 Utah Correctional Industries, together with additional amounts necessary to pay costs of
6387 issuance, pay capitalized interest, and fund any debt service reserve requirements;

6388 (b) Utah Correctional Industries' revenues be used as the primary revenue source for
6389 repayment of any obligation created under authority of this section;

6390 (c) Utah Correctional Industries may plan, design, and construct the production
6391 warehouse subject to requirements in Section [63A-5b-604](#); and

6392 (d) Utah Correctional Industries may not request state funds for operation and
6393 maintenance costs or capital improvements.

6394 Section 97. Section **63B-17-201** is amended to read:

6395 **63B-17-201. Revenue bond authorizations -- State Building Ownership**
6396 **Authority.**

6397 (1) The Legislature intends that:

6398 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6399 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6400 into or arrange for a lease purchase agreement in which participation interests may be created,
6401 to provide up to \$90,000,000 for the acquisition and construction of phase II-B of a cancer
6402 clinical research hospital facility adjacent to the University of Utah Medical Center, together
6403 with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund
6404 any debt service reserve requirements;

6405 (b) the University of Utah use institutional funds as the primary revenue source for
6406 repayment of any obligation created under authority of this section;

6407 (c) the university may plan, design, and construct phase II-B of a cancer clinical
6408 research hospital facility subject to the requirements of Section [63A-5b-604](#); and

6409 (d) the university may not request state funds for operation and maintenance costs or
6410 capital improvements.

6411 (2) The Legislature intends that:

6412 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6413 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6414 into or arrange for a lease-purchase agreement in which participation interests may be created,
6415 to provide up to \$23,700,000 for the acquisition and construction of five stores for the
6416 Department of Alcoholic Beverage [~~Control~~] Services, together with additional amounts
6417 necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve
6418 requirements;

6419 (b) the stores to be addressed through this authorization are:

6420 (i) the replacement of a liquor store in Cedar City;

6421 (ii) a new Utah County North liquor store;

6422 (iii) a new Utah County South liquor store;

6423 (iv) a new Washington County South liquor store; and

6424 (v) a new Wasatch County Heber/Midway liquor store;

6425 (c) the Department of Alcoholic Beverage [~~Control~~] Services use increased sales
6426 revenues as the primary revenue source for repayment of any obligation created under authority
6427 of this section; and

6428 (d) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6429 and maintenance funding from sales revenues.

6430 Section 98. Section **63B-18-201** is amended to read:

6431 **63B-18-201. Revenue bond authorizations -- State Building Ownership**

6432 **Authority.**

6433 (1) The Legislature intends that:

6434 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6435 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6436 into or arrange for a lease-purchase agreement in which participation interests may be created,
6437 to provide up to \$3,800,000 for the acquisition of property in the Salt Lake City, Utah area on
6438 which to construct a Department of Alcoholic Beverage [~~Control~~] Services warehouse
6439 expansion, together with additional amounts necessary to pay costs of issuance, pay capitalized
6440 interest, and fund any debt service reserve requirements; and

6441 (b) the Department of Alcoholic Beverage [~~Control~~] Services use increased sales
6442 revenues as the primary revenue source for repayment of any obligation created under authority

6443 of this section.

6444 (2) The Legislature intends that:

6445 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6446 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
6447 into or arrange for a lease-purchase agreement in which participation interests may be created,
6448 to provide up to \$19,904,000 for the construction of a warehouse expansion for the Department
6449 of Alcoholic Beverage [~~Control~~] Services, together with additional amounts necessary to pay
6450 costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

6451 (b) the Department of Alcoholic Beverage [~~Control~~] Services use increased sales
6452 revenues as the primary revenue source for repayment of any obligation created under authority
6453 of this section; and

6454 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6455 and maintenance funding from sales revenues.

6456 Section 99. Section **63B-24-101** is amended to read:

6457 **63B-24-101. Revenue bond authorizations -- State Building Ownership**
6458 **Authority.**

6459 (1) The Legislature intends that:

6460 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6461 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6462 enter into or arrange for a lease-purchase agreement in which participation interests may be
6463 created, to provide up to \$86,936,000 for the Fourth District Provo Courthouse Expansion,
6464 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6465 and fund any existing debt service reserve requirements;

6466 (b) the judicial branch use court fees and existing lease budgets as the primary revenue
6467 sources for repayment of any obligation created under authority of this Subsection (1); and

6468 (c) the judicial branch may use state funds for operation and maintenance costs or
6469 capital improvements.

6470 (2) The Legislature intends that:

6471 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6472 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6473 enter into or arrange for a lease-purchase agreement in which participation interests may be

6474 created, to provide up to \$4,447,900 for a West Valley Liquor Store, together with additional
6475 amounts necessary to pay costs of issuance, pay capitalized interest, and fund any existing debt
6476 service reserve requirements;

6477 (b) the Department of Alcoholic Beverage [~~Control~~] Services use increased sales
6478 revenues as the primary revenue source for repayment of any obligation created under authority
6479 of this Subsection (2); and

6480 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6481 and maintenance funding from sales revenues.

6482 Section 100. Section **63B-26-101** is amended to read:

6483 **63B-26-101. Revenue bond authorizations -- State Building Ownership**

6484 **Authority.**

6485 (1) The Legislature intends that:

6486 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6487 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6488 enter into or arrange for a lease-purchase agreement in which participation interests may be
6489 created, to provide up to \$3,000,000 for the Fourth District Provo Courthouse parking lot,
6490 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6491 and fund any existing debt service reserve requirements;

6492 (b) the judicial branch use court fees and existing lease budgets as the primary revenue
6493 sources for repayment of any obligation created under authority of this Subsection (1);

6494 (c) the judicial branch may use state funds for operation and maintenance costs or
6495 capital improvements; and

6496 (d) the revenue bond authorized under this Subsection (1) may not be issued until on or
6497 after March 1, 2017.

6498 (2) The Legislature intends that:

6499 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6500 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6501 enter into or arrange for a lease-purchase agreement in which participation interests may be
6502 created, to provide up to \$5,043,400 for a Syracuse liquor store, together with additional
6503 amounts necessary to pay costs of issuance, pay capitalized interest, and fund any existing debt
6504 service reserve requirements;

6505 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenues as the
6506 primary revenue source for repayment of any obligation created under authority of this
6507 Subsection (2); and

6508 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6509 and maintenance funding from sales revenues.

6510 Section 101. Section **63B-27-201** is amended to read:

6511 **63B-27-201. Revenue bond authorizations -- State Building Ownership**
6512 **Authority.**

6513 (1) The Legislature intends that:

6514 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6515 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6516 enter into or arrange for a lease-purchase agreement in which participation interests may be
6517 created, to provide up to \$5,451,800 for a Farmington liquor store, together with additional
6518 amounts necessary to pay costs of issuance, pay capitalized interest, and fund any existing debt
6519 service reserve requirements;

6520 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenues as the
6521 primary revenue source for repayment of any obligation created under authority of this
6522 Subsection (1); and

6523 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6524 and maintenance funding from sales revenues.

6525 (2) The Legislature intends that:

6526 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6527 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6528 enter into or arrange for a lease-purchase agreement in which participation interests may be
6529 created, to provide up to \$5,451,800 for a southwest Salt Lake County liquor store, together
6530 with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund
6531 any existing debt service reserve requirements;

6532 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenues as the
6533 primary revenue source for repayment of any obligation created under authority of this
6534 Subsection (2); and

6535 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation

6536 and maintenance funding from sales revenues.

6537 Section 102. Section **63B-28-101** is amended to read:

6538 **63B-28-101. Revenue bond authorizations -- State Building Ownership**

6539 **Authority.**

6540 (1) The Legislature intends that:

6541 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6542 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6543 enter into or arrange for a lease-purchase agreement in which participation interests may be
6544 created, to provide up to \$5,451,800 for a Pleasant Grove or Lehi market area liquor store,
6545 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6546 and fund any existing debt service reserve requirements;

6547 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenues as the
6548 primary revenue source for repayment of any obligation created under authority of this
6549 Subsection (1); and

6550 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6551 and maintenance funding from sales revenues.

6552 (2) The Legislature intends that:

6553 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6554 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or may
6555 enter into or arrange for a lease-purchase agreement in which participation interests may be
6556 created, to provide up to \$10,759,000 for reconstructing the Store 4: Foothill liquor store,
6557 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6558 and fund any existing debt service reserve requirements;

6559 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenues as the
6560 primary revenue source for repayment of any obligation created under authority of this
6561 Subsection (2); and

6562 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6563 and maintenance funding from sales revenues.

6564 Section 103. Section **63B-29-101** is amended to read:

6565 **63B-29-101. Revenue bond authorizations -- State Building Ownership**

6566 **Authority.**

6567 (1) The Legislature intends that:

6568 (a) the State Building Ownership Authority, under the authority of Chapter 1, Part 3,
6569 State Building Ownership Authority Act, may issue or execute obligations, or may enter into or
6570 arrange for a lease-purchase agreement in which participation interests may be created, to
6571 provide up to \$10,091,100 for the downtown liquor store relocation, together with additional
6572 amounts necessary to pay costs of issuance, pay capitalized interest, and fund any existing debt
6573 service reserve requirements;

6574 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenue as the
6575 primary revenue source for repayment of any obligation created under authority of this
6576 Subsection (1); and

6577 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6578 and maintenance funding from sales revenue.

6579 (2) The Legislature intends that:

6580 (a) the State Building Ownership Authority, under the authority of Chapter 1, Part 3,
6581 State Building Ownership Authority Act, may issue or execute obligations, or may enter into or
6582 arrange for a lease-purchase agreement in which participation interests may be created, to
6583 provide up to \$14,000,000 for two liquor stores in the Taylorsville and West Valley City
6584 market areas, together with additional amounts necessary to pay costs of issuance, pay
6585 capitalized interest, and fund any existing debt service reserve requirements;

6586 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenue as the
6587 primary revenue source for repayment of any obligation created under authority of this
6588 Subsection (2); and

6589 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6590 and maintenance funding from sales revenue.

6591 Section 104. Section **63B-31-202** is amended to read:

6592 **63B-31-202. State Building Ownership Authority obligations for new state liquor**
6593 **stores.**

6594 (1) The Legislature intends that:

6595 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6596 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations or may
6597 enter into or arrange for a lease-purchase agreement in which participation interests may be

6598 created, to provide up to \$11,725,700 for a Salt Lake City market area liquor store in
6599 Sugarhouse, together with additional amounts necessary to pay costs of issuance, pay
6600 capitalized interest, and fund any existing debt service reserve requirements;

6601 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenues as the
6602 primary revenue source for repayment of any obligation created under authority of this
6603 Subsection (1);

6604 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6605 and maintenance funding from sales revenues; and

6606 (d) the Department of Alcoholic Beverage [~~Control~~] Services use up to \$5,000,000 to
6607 repay the State Store Land Acquisition Fund under Section [32B-2-307](#).

6608 (2) The Legislature intends that:

6609 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
6610 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations or may
6611 enter into or arrange for a lease-purchase agreement in which participation interests may be
6612 created, to provide up to \$5,524,000 for a Salt Lake City area market liquor store in east Sandy,
6613 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6614 and fund any existing debt service reserve requirements;

6615 (b) the Department of Alcoholic Beverage [~~Control~~] Services use sales revenues as the
6616 primary revenue source for repayment of any obligation created under authority of this
6617 Subsection (2); and

6618 (c) the Department of Alcoholic Beverage [~~Control~~] Services may request operation
6619 and maintenance funding from sales revenues.

6620 Section 105. Section **63G-12-306** is amended to read:

6621 **63G-12-306. Penalties.**

6622 (1) As used in this section:

6623 (a) "Applicable license" means a license issued under:

6624 (i) Title 32B, Alcoholic Beverage Control Act;

6625 (ii) Title 58, Occupations and Professions; or

6626 (iii) Title 61, Securities Division - Real Estate Division.

6627 (b) "First violation" means the first time the department imposes a penalty under this
6628 section, regardless of the number of individuals the private employer hired in violation of

6629 Subsection 63G-12-301(1).

6630 (c) "Second violation" means the second time the department imposes a penalty under
6631 this section, regardless of the number of individuals the private employer hired in violation of
6632 Subsection 63G-12-301(1).

6633 (d) "Third or subsequent violation" means a violation of Subsection 63G-12-301(1)
6634 committed after a second violation.

6635 (2) (a) On or after the program start date, a private employer who violates Subsection
6636 63G-12-301(1) is subject to a penalty provided in this section under an action brought by the
6637 department in accordance with Section 63G-12-305.

6638 (b) For a first violation of Subsection 63G-12-301(1), the department shall impose a
6639 civil penalty on the private employer not to exceed \$100 for each individual employed by the
6640 private employer during the time period specified in the notice of agency action who is an
6641 unauthorized alien who does not hold a valid permit.

6642 (c) For a second violation of Subsection 63G-12-301(1), the department shall impose a
6643 civil penalty on the private employer not to exceed \$500 for each individual employed by the
6644 private employer during the time period specified in the notice of agency action who is an
6645 unauthorized alien who does not hold a valid permit.

6646 (d) For a third or subsequent violation of Subsection 63G-12-301(1), the department
6647 shall:

6648 (i) order the revocation of the one or more applicable licenses that are issued to an
6649 owner, officer, director, manager, or other individual in a similar position for the private
6650 employer for a period not to exceed one year; or

6651 (ii) if no individual described in Subsection (2)(d)(i) holds an applicable license,
6652 impose a civil penalty on the private employer not to exceed \$10,000.

6653 (3) (a) If the department finds a third or subsequent violation, the department shall
6654 notify the Department of Commerce and the Department of Alcoholic Beverage [~~Control~~]
6655 Services once the department's order:

6656 (i) is not appealed, and the time to appeal has expired; or

6657 (ii) is appealed, and is affirmed, in whole or in part on appeal.

6658 (b) The notice required under Subsection (3)(a) shall state:

6659 (i) that the department has found a third or subsequent violation;

6660 (ii) that any applicable license held by an individual described in Subsection (2)(d)(i) is
6661 to be revoked; and

6662 (iii) the time period for the revocation, not to exceed one year.

6663 (c) The department shall base its determination of the length of revocation under this
6664 section on evidence or information submitted to the department during the action under which
6665 a third or subsequent violation is found, and shall consider the following factors, if relevant:

6666 (i) the number of unauthorized aliens who do not hold a permit that are employed by
6667 the private employer;

6668 (ii) prior misconduct by the private employer;

6669 (iii) the degree of harm resulting from the violation;

6670 (iv) whether the private employer made good faith efforts to comply with any
6671 applicable requirements;

6672 (v) the duration of the violation;

6673 (vi) the role of the individuals described in Subsection (2)(d)(i) in the violation; and

6674 (vii) any other factor the department considers appropriate.

6675 (4) Within 10 business days of receipt of notice under Subsection (3), the Department
6676 of Commerce and the Department of Alcoholic Beverage ~~[Control]~~ Services shall:

6677 (a) (i) if the Department of Commerce or Alcoholic Beverage ~~[Control]~~ Services
6678 Commission has issued an applicable license to an individual described in Subsection (2)(d)(i),
6679 notwithstanding any other law, revoke the applicable license; and

6680 (ii) notify the department that the applicable license is revoked; or

6681 (b) if the Department of Commerce or Alcoholic Beverage ~~[Control]~~ Services
6682 Commission has not issued an applicable license to an individual described in Subsection
6683 (2)(d)(i), notify the department that an applicable license has not been issued to an individual
6684 described in Subsection (2)(d)(i).

6685 (5) If an individual described in Subsection (2)(d)(i) is licensed to practice law in the
6686 state and the department finds a third or subsequent violation of Subsection [63G-12-301\(1\)](#), the
6687 department shall notify the Utah State Bar of the third and subsequent violation.

6688 Section 106. Section **63I-5-201 (Superseded 07/01/22)** is amended to read:

6689 **63I-5-201 (Superseded 07/01/22). Internal auditing programs -- State agencies.**

6690 (1) (a) The departments of Administrative Services, Agriculture, Commerce, Cultural

6691 and Community Engagement, Corrections, Workforce Services, Environmental Quality,
6692 Health, Human Services, Natural Resources, Public Safety, and Transportation, and the State
6693 Tax Commission shall conduct various types of auditing procedures as determined by the
6694 agency head or governor.

6695 (b) The governor may, by executive order, require a state agency not described in
6696 Subsection (1)(a) to establish an internal audit program.

6697 (c) The governor shall ensure that each state agency that reports to the governor has
6698 adequate internal audit coverage.

6699 (2) (a) The Administrative Office of the Courts shall establish an internal audit
6700 program under the direction of the Judicial Council, including auditing procedures for courts
6701 not of record.

6702 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
6703 internal audit program.

6704 (3) (a) Dixie State University, the University of Utah, Utah State University, Salt Lake
6705 Community College, Southern Utah University, Utah Valley University, Weber State
6706 University, and Snow College shall establish an internal audit program under the direction of
6707 the Utah Board of Higher Education.

6708 (b) The Utah Board of Higher Education may issue policies requiring other higher
6709 education entities or programs to establish an internal audit program.

6710 (4) The State Board of Education shall establish an internal audit program that provides
6711 internal audit services for each program administered by the State Board of Education.

6712 (5) Subject to Section [32B-2-302.5](#), the internal audit division of the Department of
6713 Alcoholic Beverage [~~Control~~] Services shall establish an internal audit program under the
6714 direction of the Alcoholic Beverage [~~Control~~] Services Commission.

6715 Section 107. Section **63I-5-201 (Effective 07/01/22)** is amended to read:

6716 **63I-5-201 (Effective 07/01/22). Internal auditing programs -- State agencies.**

6717 (1) (a) The departments of Administrative Services, Agriculture, Commerce, Cultural
6718 and Community Engagement, Corrections, Workforce Services, Environmental Quality,
6719 Health, Human Services, Natural Resources, Public Safety, and Transportation, and the State
6720 Tax Commission shall conduct various types of auditing procedures as determined by the
6721 agency head or governor.

6722 (b) The governor may, by executive order, require a state agency not described in
6723 Subsection (1)(a) to establish an internal audit program.

6724 (c) The governor shall ensure that each state agency that reports to the governor has
6725 adequate internal audit coverage.

6726 (2) (a) The Administrative Office of the Courts shall establish an internal audit
6727 program under the direction of the Judicial Council, including auditing procedures for courts
6728 not of record.

6729 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
6730 internal audit program.

6731 (3) (a) Utah Tech University, the University of Utah, Utah State University, Salt Lake
6732 Community College, Southern Utah University, Utah Valley University, Weber State
6733 University, and Snow College shall establish an internal audit program under the direction of
6734 the Utah Board of Higher Education.

6735 (b) The Utah Board of Higher Education may issue policies requiring other higher
6736 education entities or programs to establish an internal audit program.

6737 (4) The State Board of Education shall establish an internal audit program that provides
6738 internal audit services for each program administered by the State Board of Education.

6739 (5) Subject to Section [32B-2-302.5](#), the internal audit division of the Department of
6740 Alcoholic Beverage [~~Control~~] Services shall establish an internal audit program under the
6741 direction of the Alcoholic Beverage [~~Control~~] Services Commission.

6742 Section 108. Section **63J-1-219** is amended to read:

6743 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

6744 (1) As used in this section:

6745 (a) (i) "Designated state agency" means the Department of Government Operations, the
6746 Department of Agriculture and Food, the Department of Alcoholic Beverage [~~Control~~]
6747 Services, the Department of Commerce, the Department of Cultural and Community
6748 Engagement, the Department of Corrections, the Department of Environmental Quality, the
6749 Department of Financial Institutions, the Department of Health, the Department of Human
6750 Services, the Department of Insurance, the Department of Natural Resources, the Department
6751 of Public Safety, the Department of Transportation, the Department of Veterans and Military
6752 Affairs, the Department of Workforce Services, the Labor Commission, the Office of

6753 Economic Opportunity, the Public Service Commission, the Utah Board of Higher Education,
6754 the State Board of Education, the State Tax Commission, or the Utah National Guard.

6755 (ii) "Designated state agency" does not include the judicial branch, the legislative
6756 branch, or an office or other entity within the judicial branch or the legislative branch.

6757 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
6758 Sec. 7501, that is reported as part of a single audit.

6759 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

6760 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or
6761 before October 31, prepare a report that:

6762 (a) reports the aggregate value of federal receipts the designated state agency received
6763 for the preceding fiscal year;

6764 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the
6765 designated state agency for the preceding fiscal year;

6766 (c) calculates the percentage of the designated state agency's total budget for the
6767 preceding fiscal year that constitutes federal receipts that the designated state agency received
6768 for that fiscal year; and

6769 (d) develops plans for operating the designated state agency if there is a reduction of:

6770 (i) 5% or more in the federal receipts that the designated state agency receives; and

6771 (ii) 25% or more in the federal receipts that the designated state agency receives.

6772 (3) (a) The report required by Subsection (2) that the Utah Board of Higher Education
6773 prepares shall include the information required by Subsections (2)(a) through (c) for each state
6774 institution of higher education listed in Section [53B-2-101](#).

6775 (b) The report required by Subsection (2) that the State Board of Education prepares
6776 shall include the information required by Subsections (2)(a) through (c) for each school district
6777 and each charter school within the public education system.

6778 (4) A designated state agency that prepares a report in accordance with Subsection (2)
6779 shall submit the report to the Division of Finance on or before November 1 of each year.

6780 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a
6781 report that:

6782 (i) compiles and summarizes the reports the Division of Finance receives in accordance
6783 with Subsection (4); and

6784 (ii) compares the aggregate value of federal receipts each designated state agency
6785 received for the previous fiscal year to the aggregate amount of federal funds appropriated by
6786 the Legislature to that designated state agency for that fiscal year.

6787 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),
6788 compile a list of designated state agencies that do not submit a report as required by this
6789 section.

6790 (6) The Division of Finance shall submit the report required by Subsection (5) to the
6791 Executive Appropriations Committee on or before December 1 of each year.

6792 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive
6793 Appropriations Committee shall place the report on the agenda for review and consideration at
6794 the next Executive Appropriations Committee meeting.

6795 (8) When considering the report required by Subsection (5), the Executive
6796 Appropriations Committee may elect to:

6797 (a) recommend that the Legislature reduce or eliminate appropriations for a designated
6798 state agency;

6799 (b) take no action; or

6800 (c) take another action that a majority of the committee approves.

6801 Section 109. Section **63J-1-602.2** is amended to read:

6802 **63J-1-602.2. List of nonlapsing appropriations to programs.**

6803 Appropriations made to the following programs are nonlapsing:

6804 (1) The Legislature and the Legislature's committees.

6805 (2) The State Board of Education, including all appropriations to agencies, line items,
6806 and programs under the jurisdiction of the State Board of Education, in accordance with
6807 Section [53F-9-103](#).

6808 (3) The Percent-for-Art Program created in Section [9-6-404](#).

6809 (4) The LeRay McAllister Critical Land Conservation Program created in Section
6810 [11-38-301](#).

6811 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
6812 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

6813 (6) The Trip Reduction Program created in Section [19-2a-104](#).

6814 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under

- 6815 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 6816 (8) The emergency medical services grant program in Section [26-8a-207](#).
- 6817 (9) The primary care grant program created in Section [26-10b-102](#).
- 6818 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
- 6819 [26-18-3\(7\)](#).
- 6820 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
- 6821 [26-46-102](#).
- 6822 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 6823 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 6824 (14) Funds that the Department of Alcoholic Beverage [~~Control~~] Services retains in
- 6825 accordance with Subsection [~~[32B-2-301\(9\)\(a\)](#)~~] [32B-2-301\(8\)\(a\)](#) or (b).
- 6826 (15) The General Assistance program administered by the Department of Workforce
- 6827 Services, as provided in Section [35A-3-401](#).
- 6828 (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 6829 (17) The State Tax Commission under Section [41-1a-1201](#) for the:
- 6830 (a) purchase and distribution of license plates and decals; and
- 6831 (b) administration and enforcement of motor vehicle registration requirements.
- 6832 (18) The Search and Rescue Financial Assistance Program, as provided in Section
- 6833 [53-2a-1102](#).
- 6834 (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 6835 (20) The Utah Board of Higher Education for teacher preparation programs, as
- 6836 provided in Section [53B-6-104](#).
- 6837 (21) The Medical Education Program administered by the Medical Education Council,
- 6838 as provided in Section [53B-24-202](#).
- 6839 (22) The Division of Services for People with Disabilities, as provided in Section
- 6840 [62A-5-102](#).
- 6841 (23) The Division of Fleet Operations for the purpose of upgrading underground
- 6842 storage tanks under Section [63A-9-401](#).
- 6843 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 6844 (25) Appropriations to the Division of Technology Services for technology innovation
- 6845 as provided under Section [63A-16-903](#).

- 6846 (26) The Office of Administrative Rules for publishing, as provided in Section
6847 [63G-3-402](#).
- 6848 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
6849 Colorado River Authority of Utah Act.
- 6850 (28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
6851 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 6852 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural
6853 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
6854 Employment Expansion Program.
- 6855 (30) Appropriations to fund programs for the Jordan River Recreation Area as
6856 described in Section [65A-2-8](#).
- 6857 (31) The Division of Human Resource Management user training program, as provided
6858 in Section [63A-17-106](#).
- 6859 (32) A public safety answering point's emergency telecommunications service fund, as
6860 provided in Section [69-2-301](#).
- 6861 (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 6862 (34) The money appropriated from the Navajo Water Rights Negotiation Account to
6863 the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a
6864 settlement of federal reserved water right claims.
- 6865 (35) The Judicial Council for compensation for special prosecutors, as provided in
6866 Section [77-10a-19](#).
- 6867 (36) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 6868 (37) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 6869 (38) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 6870 (39) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
6871 [78B-6-144.5](#).
- 6872 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
6873 Defense Commission.
- 6874 (41) The program established by the Division of Facilities Construction and
6875 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation
6876 and pay lease payments for the use and occupancy of buildings owned by the Division of

6877 Facilities Construction and Management.

6878 Section 110. Section **67-22-2** is amended to read:

6879 **67-22-2. Compensation -- Other state officers.**

6880 (1) As used in this section:

6881 (a) "Appointed executive" means the:

6882 (i) commissioner of the Department of Agriculture and Food;

6883 (ii) commissioner of the Insurance Department;

6884 (iii) commissioner of the Labor Commission;

6885 (iv) director, Department of Alcoholic Beverage ~~[Control]~~ Services;

6886 (v) commissioner of the Department of Financial Institutions;

6887 (vi) executive director, Department of Commerce;

6888 (vii) executive director, Commission on Criminal and Juvenile Justice;

6889 (viii) adjutant general;

6890 (ix) executive director, Department of Cultural and Community Engagement;

6891 (x) executive director, Department of Corrections;

6892 (xi) commissioner, Department of Public Safety;

6893 (xii) executive director, Department of Natural Resources;

6894 (xiii) executive director, Governor's Office of Planning and Budget;

6895 (xiv) executive director, Department of Government Operations;

6896 (xv) executive director, Department of Environmental Quality;

6897 (xvi) executive director, Governor's Office of Economic Opportunity;

6898 (xvii) executive director, Department of Workforce Services;

6899 (xviii) executive director, Department of Health, Nonphysician;

6900 (xix) executive director, Department of Human Services;

6901 (xx) executive director, Department of Transportation; ~~[and]~~

6902 (xxi) executive director, Department of Veterans and Military Affairs; and

6903 (xxii) executive director, Public Lands Policy Coordinating Office, created in Section

6904 [63L-11-201](#).

6905 (b) "Board or commission executive" means:

6906 (i) members, Board of Pardons and Parole;

6907 (ii) chair, State Tax Commission;

6908 (iii) commissioners, State Tax Commission;
6909 (iv) executive director, State Tax Commission;
6910 (v) chair, Public Service Commission; and
6911 (vi) commissioners, Public Service Commission.
6912 (c) "Deputy" means the person who acts as the appointed executive's second in
6913 command as determined by the Division of Human Resource Management.
6914 (2) (a) The director of the Division of Human Resource Management shall:
6915 (i) before October 31 of each year, recommend to the governor a compensation plan for
6916 the appointed executives and the board or commission executives; and
6917 (ii) base those recommendations on market salary studies conducted by the Division of
6918 Human Resource Management.
6919 (b) (i) The Division of Human Resource Management shall determine the salary range
6920 for the appointed executives by:
6921 (A) identifying the salary range assigned to the appointed executive's deputy;
6922 (B) designating the lowest minimum salary from those deputies' salary ranges as the
6923 minimum salary for the appointed executives' salary range; and
6924 (C) designating 105% of the highest maximum salary range from those deputies' salary
6925 ranges as the maximum salary for the appointed executives' salary range.
6926 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
6927 may not consider that deputy's salary range in designating the salary range for appointed
6928 executives.
6929 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
6930 board or commission executives, the Division of Human Resource Management shall set the
6931 maximum salary in the salary range for each of those positions at 90% of the salary for district
6932 judges as established in the annual appropriation act under Section 67-8-2.
6933 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
6934 or (iii), the Division of Human Resource Management shall set the maximum salary in the
6935 salary range for each of those positions at 100% of the salary for district judges as established
6936 in the annual appropriation act under Section 67-8-2.
6937 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
6938 specific salary for each appointed executive within the range established under Subsection

6939 (2)(b).

6940 (ii) If the executive director of the Department of Health is a physician, the governor
6941 shall establish a salary within the highest physician salary range established by the Division of
6942 Human Resource Management.

6943 (iii) The governor may provide salary increases for appointed executives within the
6944 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

6945 (b) The governor shall apply the same overtime regulations applicable to other FLSA
6946 exempt positions.

6947 (c) The governor may develop standards and criteria for reviewing the appointed
6948 executives.

6949 (4) Salaries for other Schedule A employees, as defined in Section [63A-17-301](#), that
6950 are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
6951 Salary Act, shall be established as provided in Section [63A-17-301](#).

6952 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
6953 commission executives as follows:

6954 (i) the option of participating in a state retirement system established by Title 49, Utah
6955 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
6956 by the State Retirement Office in accordance with the Internal Revenue Code and its
6957 accompanying rules and regulations;

6958 (ii) health insurance;

6959 (iii) dental insurance;

6960 (iv) basic life insurance;

6961 (v) unemployment compensation;

6962 (vi) workers' compensation;

6963 (vii) required employer contribution to Social Security;

6964 (viii) long-term disability income insurance;

6965 (ix) the same additional state-paid life insurance available to other noncareer service
6966 employees;

6967 (x) the same severance pay available to other noncareer service employees;

6968 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
6969 follows:

- 6970 (A) sick leave;
- 6971 (B) converted sick leave if accrued prior to January 1, 2014;
- 6972 (C) educational allowances;
- 6973 (D) holidays; and
- 6974 (E) annual leave except that annual leave shall be accrued at the maximum rate
6975 provided to Schedule B state employees;
- 6976 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
6977 provided by law or rule upon resignation or retirement according to the same criteria and
6978 procedures applied to Schedule B state employees;
- 6979 (xiii) the option to purchase additional life insurance at group insurance rates according
6980 to the same criteria and procedures applied to Schedule B state employees; and
- 6981 (xiv) professional memberships if being a member of the professional organization is a
6982 requirement of the position.
- 6983 (b) Each department shall pay the cost of additional state-paid life insurance for its
6984 executive director from its existing budget.
- 6985 (6) The Legislature fixes the following additional benefits:
- 6986 (a) for the executive director of the State Tax Commission a vehicle for official and
6987 personal use;
- 6988 (b) for the executive director of the Department of Transportation a vehicle for official
6989 and personal use;
- 6990 (c) for the executive director of the Department of Natural Resources a vehicle for
6991 commute and official use;
- 6992 (d) for the commissioner of Public Safety:
- 6993 (i) an accidental death insurance policy if POST certified; and
- 6994 (ii) a public safety vehicle for official and personal use;
- 6995 (e) for the executive director of the Department of Corrections:
- 6996 (i) an accidental death insurance policy if POST certified; and
- 6997 (ii) a public safety vehicle for official and personal use;
- 6998 (f) for the adjutant general a vehicle for official and personal use; and
- 6999 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
7000 official use.

7001 Section 111. **Repealer.**
7002 This bill repeals:
7003 Section [32B-8a-101](#), **Title.**
7004 Section [32B-8a-302](#), **Application -- Approval process.**
7005 Section [32B-12-207](#), **Changing location of a warehousing facility.**
7006 Section 112. **Effective date.**
7007 This bill takes effect on June 1, 2022, with the exception of Section [63I-5-201](#)
7008 (Effective 07/01/22) which takes effect on July 1, 2022.