

**Senator Stephen H. Urquhart** proposes the following substitute bill:

**ALCOHOL AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Alcoholic Beverage Control Act to address definitions of community location.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of a community location; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**32B-1-102**, as last amended by Laws of Utah 2013, Chapter 349

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

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

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



26 As used in this title:

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

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

29 (b) that is located at an international airport with a United States Customs office on the

30 premises of the international airport.

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

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

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

34 (a) beer; or

35 (b) liquor.

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

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

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

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

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

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

42 (c) "Alcoholic product" does not include any of the following common items that

43 otherwise come within the definition of an alcoholic product:

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

45 (ii) vinegar;

46 (iii) cider;

47 (iv) essence;

48 (v) tincture;

49 (vi) food preparation; or

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

51 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation

52 when it is used as a flavoring in the manufacturing of an alcoholic product.

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

54 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and

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

56 (6) "Banquet" means an event:

57 (a) that is held at one or more designated locations approved by the commission in or  
58 on the premises of a:

- 59 (i) hotel;
- 60 (ii) resort facility;
- 61 (iii) sports center; or
- 62 (iv) convention center;

63 (b) for which there is a contract:

64 (i) between a person operating a facility listed in Subsection (6)(a) and another person;

65 and

66 (ii) under which the person operating a facility listed in Subsection (6)(a) is required to  
67 provide an alcoholic product at the event; and

68 (c) at which food and alcoholic products may be sold, offered for sale, or furnished.

69 (7) (a) "Bar" means a surface or structure:

70 (i) at which an alcoholic product is:

71 (A) stored; or

72 (B) dispensed; or

73 (ii) from which an alcoholic product is served.

74 (b) "Bar structure" means a surface or structure on a licensed premises if on or at any

75 place of the surface or structure an alcoholic product is:

76 (i) stored; or

77 (ii) dispensed.

78 (8) (a) Subject to Subsection (8)(d), "beer" means a product that:

79 (i) contains at least .5% of alcohol by volume, but not more than 4% of alcohol by  
80 volume or 3.2% by weight; and

81 (ii) is obtained by fermentation, infusion, or decoction of malted grain.

82 (b) "Beer" may or may not contain hops or other vegetable products.

83 (c) "Beer" includes a product that:

84 (i) contains alcohol in the percentages described in Subsection (8)(a); and

85 (ii) is referred to as:

86 (A) beer;

87 (B) ale;

- 88 (C) porter;
- 89 (D) stout;
- 90 (E) lager; or
- 91 (F) a malt or malted beverage.
- 92 (d) "Beer" does not include a flavored malt beverage.
- 93 (9) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
- 94 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 95 (10) "Beer retailer" means a business:
- 96 (a) that is engaged, primarily or incidentally, in the retail sale of beer to a patron,
- 97 whether for consumption on or off the business premises; and
- 98 (b) to whom a license is issued:
- 99 (i) for an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
- 100 Beer Retailer Local Authority; or
- 101 (ii) for an on-premise beer retailer, in accordance with Chapter 5, Retail License Act,
- 102 and Chapter 6, Part 7, On-Premise Beer Retailer License.
- 103 (11) "Beer wholesaling license" means a license:
- 104 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 105 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
- 106 retail licensees or off-premise beer retailers.
- 107 (12) "Billboard" means a public display used to advertise, including:
- 108 (a) a light device;
- 109 (b) a painting;
- 110 (c) a drawing;
- 111 (d) a poster;
- 112 (e) a sign;
- 113 (f) a signboard; or
- 114 (g) a scoreboard.
- 115 (13) "Brewer" means a person engaged in manufacturing:
- 116 (a) beer;
- 117 (b) heavy beer; or
- 118 (c) a flavored malt beverage.

119 (14) "Brewery manufacturing license" means a license issued in accordance with  
120 Chapter 11, Part 5, Brewery Manufacturing License.

121 (15) "Certificate of approval" means a certificate of approval obtained from the  
122 department under Section 32B-11-201.

123 (16) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by  
124 a bus company to a group of persons pursuant to a common purpose:

- 125 (a) under a single contract;
- 126 (b) at a fixed charge in accordance with the bus company's tariff; and
- 127 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other  
128 motor vehicle, and a driver to travel together to one or more specified destinations.

129 (17) "Church" means a building:

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

134 (18) (a) "Club license" means a license issued in accordance with Chapter 5, Retail  
135 License Act, and Chapter 6, Part 4, Club License.

- 136 (b) "Club license" includes:
- 137 (i) a dining club license;
- 138 (ii) an equity club license;
- 139 (iii) a fraternal club license; or
- 140 (iv) a social club license.

141 (19) "Commission" means the Alcoholic Beverage Control Commission created in  
142 Section 32B-2-201.

143 (20) "Commissioner" means a member of the commission.

144 (21) "Community location" means:

- 145 (a) a public or private school;
- 146 (b) a church;
- 147 (c) a public library;

148 (d) a public playground,  $\hat{S} \rightarrow$  [which is an area that has primarily playground equipment]

148a except that for purposes of Subsection 32B-1-202(3)(a)(ii), if a public playground is located

148b within a public park, the public playground may be considered by the commission to be a

148c public park  $\leftarrow \hat{S}$  ; or

149 (e) a public park  $\hat{S} \rightarrow$  [, which is an area that may or may not have some playground  $\odot$

150 ☛ equipment] ←§ .

151 (22) "Community location governing authority" means:

152 (a) the governing body of the community location; or

153 (b) if the commission does not know who is the governing body of a community

154 location, a person who appears to the commission to have been given on behalf of the

155 community location the authority to prohibit an activity at the community location.

156 (23) "Container" means a receptacle that contains an alcoholic product, including:

157 (a) a bottle;

158 (b) a vessel; or

159 (c) a similar item.

160 (24) "Convention center" means a facility that is:

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

162 (b) otherwise defined as a "convention center" by the commission by rule.

163 (25) (a) Subject to Subsection (25)(b), "counter" means a surface or structure in a  
164 dining area of a licensed premises where seating is provided to a patron for service of food.

165 (b) "Counter" does not include a surface or structure if on or at any point of the surface  
166 or structure an alcoholic product is:

167 (i) stored; or

168 (ii) dispensed.

169 (26) "Department" means the Department of Alcoholic Beverage Control created in  
170 Section [32B-2-203](#).

171 (27) "Department compliance officer" means an individual who is:

172 (a) an auditor or inspector; and

173 (b) employed by the department.

174 (28) "Department sample" means liquor that is placed in the possession of the  
175 department for testing, analysis, and sampling.

176 (29) "Dining club license" means a license issued in accordance with Chapter 5, Retail  
177 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a  
178 dining club license.

179 (30) "Director," unless the context requires otherwise, means the director of the  
180 department.

181 (31) "Disciplinary proceeding" means an adjudicative proceeding permitted under this  
182 title:

- 183 (a) against a person subject to administrative action; and
- 184 (b) that is brought on the basis of a violation of this title.

185 (32) (a) Subject to Subsection (32)(b), "dispense" means:

186 (i) drawing of an alcoholic product:

187 (A) from an area where it is stored; or

188 (B) as provided in Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii),

189 32B-6-805(15)(b)(ii), or 32B-6-905(12)(b)(ii); and

190 (ii) using the alcoholic product described in Subsection (32)(a)(i) on the premises of  
191 the licensed premises to mix or prepare an alcoholic product to be furnished to a patron of the  
192 retail licensee.

193 (b) The definition of "dispense" in this Subsection (32) applies only to:

194 (i) a full-service restaurant license;

195 (ii) a limited-service restaurant license;

196 (iii) a reception center license; and

197 (iv) a beer-only restaurant license.

198 (33) "Distillery manufacturing license" means a license issued in accordance with  
199 Chapter 11, Part 4, Distillery Manufacturing License.

200 (34) "Distressed merchandise" means an alcoholic product in the possession of the  
201 department that is saleable, but for some reason is unappealing to the public.

202 (35) "Educational facility" includes:

203 (a) a nursery school;

204 (b) an infant day care center; and

205 (c) a trade and technical school.

206 (36) "Equity club license" means a license issued in accordance with Chapter 5, Retail  
207 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as an  
208 equity club license.

209 (37) "Event permit" means:

210 (a) a single event permit; or

211 (b) a temporary beer event permit.

212 (38) "Exempt license" means a license exempt under Section 32B-1-201 from being  
213 considered in determining the total number of a retail license that the commission may issue at  
214 any time.

215 (39) (a) "Flavored malt beverage" means a beverage:

216 (i) that contains at least .5% alcohol by volume;

217 (ii) that is treated by processing, filtration, or another method of manufacture that is not  
218 generally recognized as a traditional process in the production of a beer as described in 27  
219 C.F.R. Sec. 25.55;

220 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop  
221 extract; and

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

224 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

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

226 (40) "Fraternal club license" means a license issued in accordance with Chapter 5,  
227 Retail License Act, and Chapter 6, Part 4, Club License, that is designated by the commission  
228 as a fraternal club license.

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

231 (42) (a) "Furnish" means by any means to provide with, supply, or give an individual  
232 an alcoholic product, by sale or otherwise.

233 (b) "Furnish" includes to:

234 (i) serve;

235 (ii) deliver; or

236 (iii) otherwise make available.

237 (43) "Guest" means an individual who meets the requirements of Subsection  
238 32B-6-407(9).

239 (44) "Health care practitioner" means:

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

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

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



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

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

247 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy  
248 Practice Act;

249 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
250 Therapy Practice Act;

251 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

252 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health  
253 Professional Practice Act;

254 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

255 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical  
256 Practice Act;

257 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental  
258 Hygienist Practice Act; and

259 (m) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

260 (45) (a) "Heavy beer" means a product that:

261 (i) contains more than 4% alcohol by volume; and

262 (ii) is obtained by fermentation, infusion, or decoction of malted grain.

263 (b) "Heavy beer" is considered liquor for the purposes of this title.

264 (46) "Hotel" is as defined by the commission by rule.

265 (47) "Identification card" means an identification card issued under Title 53, Chapter 3,  
266 Part 8, Identification Card Act.

267 (48) "Industry representative" means an individual who is compensated by salary,  
268 commission, or other means for representing and selling an alcoholic product of a  
269 manufacturer, supplier, or importer of liquor.

270 (49) "Industry representative sample" means liquor that is placed in the possession of  
271 the department for testing, analysis, and sampling by a local industry representative on the  
272 premises of the department to educate the local industry representative of the quality and  
273 characteristics of the product.

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

- 276 (a) law; or
- 277 (b) court order.

278 (51) "Intoxicated" means that a person:

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

- 281 (i) an alcoholic product;
- 282 (ii) a controlled substance;
- 283 (iii) a substance having the property of releasing toxic vapors; or
- 284 (iv) a combination of Subsections (51)(a)(i) through (iii); and

285 (b) exhibits plain and easily observed outward manifestations of behavior or physical  
286 signs produced by the over consumption of an alcoholic product.

287 (52) "Investigator" means an individual who is:

- 288 (a) a department compliance officer; or
- 289 (b) a nondepartment enforcement officer.

290 (53) "Invitee" is as defined in Section [32B-8-102](#).

291 (54) "License" means:

- 292 (a) a retail license;
- 293 (b) a license issued in accordance with Chapter 11, Manufacturing and Related  
294 Licenses Act;

295 (c) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

296 or

297 (d) a license issued in accordance with Chapter 13, Beer Wholesaling License Act.

298 (55) "Licensee" means a person who holds a license.

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

301 (57) "Limousine" means a motor vehicle licensed by the state or a local authority, other  
302 than a bus or taxicab:

- 303 (a) in which the driver and a passenger are separated by a partition, glass, or other  
304 barrier;

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

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

309 (58) (a) (i) "Liquor" means a liquid that:

310 (A) is:

311 (I) alcohol;

312 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;

313 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or

314 (IV) other drink or drinkable liquid; and

315 (B) (I) contains at least .5% alcohol by volume; and

316 (II) is suitable to use for beverage purposes.

317 (ii) "Liquor" includes:

318 (A) heavy beer;

319 (B) wine; and

320 (C) a flavored malt beverage.

321 (b) "Liquor" does not include beer.

322 (59) "Liquor Control Fund" means the enterprise fund created by Section [32B-2-301](#).

323 (60) "Liquor warehousing license" means a license that is issued:

324 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

325 (b) to a person, other than a licensed manufacturer, who engages in the importation for  
326 storage, sale, or distribution of liquor regardless of amount.

327 (61) "Local authority" means:

328 (a) for premises that are located in an unincorporated area of a county, the governing  
329 body of a county; or

330 (b) for premises that are located in an incorporated city or a town, the governing body  
331 of the city or town.

332 (62) "Lounge or bar area" is as defined by rule made by the commission.

333 (63) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or  
334 otherwise make an alcoholic product for personal use or for sale or distribution to others.

335 (64) "Member" means an individual who, after paying regular dues, has full privileges

336 in an equity club licensee or fraternal club licensee.

337 (65) (a) "Military installation" means a base, air field, camp, post, station, yard, center,  
338 or homeport facility for a ship:

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

340 (B) of the National Guard;

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

342 (iii) including a leased facility.

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

344 (i) civil works;

345 (ii) a rivers and harbors project; or

346 (iii) a flood control project.

347 (66) "Minor" means an individual under the age of 21 years.

348 (67) "Nondepartment enforcement agency" means an agency that:

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

350 (ii) is an agency of a county, city, or town; and

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

352 (68) "Nondepartment enforcement officer" means an individual who is:

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

354 (b) employed by a nondepartment enforcement agency.

355 (69) (a) "Off-premise beer retailer" means a beer retailer who is:

356 (i) licensed in accordance with Chapter 7, Part 2, Off-Premise Beer Retailer Local  
357 Authority; and

358 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's  
359 premises.

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

361 (70) "On-premise banquet license" means a license issued in accordance with Chapter  
362 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

363 (71) "On-premise beer retailer" means a beer retailer who is:

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

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

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

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

372 (A) as a tavern; or

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

374 (72) "Opaque" means impenetrable to sight.

375 (73) "Package agency" means a retail liquor location operated:

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

377 (b) by a person:

378 (i) other than the state; and

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

381 (74) "Package agent" means a person who holds a package agency.

382 (75) "Patron" means an individual to whom food, beverages, or services are sold,  
383 offered for sale, or furnished, or who consumes an alcoholic product including:

384 (a) a customer;

385 (b) a member;

386 (c) a guest;

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

388 (e) an individual who receives room service;

389 (f) a resident of a resort;

390 (g) a public customer under a resort spa sublicense, as defined in Section [32B-8-102](#);

391 or

392 (h) an invitee.

393 (76) "Permittee" means a person issued a permit under:

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

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

396 (77) "Person subject to administrative action" means:

397 (a) a licensee;

- 398 (b) a permittee;
- 399 (c) a manufacturer;
- 400 (d) a supplier;
- 401 (e) an importer;
- 402 (f) one of the following holding a certificate of approval:
- 403 (i) an out-of-state brewer;
- 404 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 405 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 406 (g) staff of:
- 407 (i) a person listed in Subsections (77)(a) through (f); or
- 408 (ii) a package agent.
- 409 (78) "Premises" means a building, enclosure, or room used in connection with the
- 410 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 411 unless otherwise defined in this title or rules made by the commission.
- 412 (79) "Prescription" means an order issued by a health care practitioner when:
- 413 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 414 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 415 (b) the order is made in the course of that health care practitioner's professional
- 416 practice; and
- 417 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 418 (80) (a) "Private event" means a specific social, business, or recreational event:
- 419 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
- 420 group; and
- 421 (ii) that is limited in attendance to people who are specifically designated and their
- 422 guests.
- 423 (b) "Private event" does not include an event to which the general public is invited,
- 424 whether for an admission fee or not.
- 425 (81) (a) "Proof of age" means:
- 426 (i) an identification card;
- 427 (ii) an identification that:
- 428 (A) is substantially similar to an identification card;

- 429 (B) is issued in accordance with the laws of a state other than Utah in which the
- 430 identification is issued;
- 431 (C) includes date of birth; and
- 432 (D) has a picture affixed;
- 433 (iii) a valid driver license certificate that:
- 434 (A) includes date of birth;
- 435 (B) has a picture affixed; and
- 436 (C) is issued:
- 437 (I) under Title 53, Chapter 3, Uniform Driver License Act; or
- 438 (II) in accordance with the laws of the state in which it is issued;
- 439 (iv) a military identification card that:
- 440 (A) includes date of birth; and
- 441 (B) has a picture affixed; or
- 442 (v) a valid passport.
- 443 (b) "Proof of age" does not include a driving privilege card issued in accordance with
- 444 Section [53-3-207](#).
- 445 (82) (a) "Public building" means a building or permanent structure that is:
- 446 (i) owned or leased by:
- 447 (A) the state; or
- 448 (B) a local government entity; and
- 449 (ii) used for:
- 450 (A) public education;
- 451 (B) transacting public business; or
- 452 (C) regularly conducting government activities.
- 453 (b) "Public building" does not include a building owned by the state or a local
- 454 government entity when the building is used by a person, in whole or in part, for a proprietary
- 455 function.
- 456 (83) "Public conveyance" means a conveyance to which the public or a portion of the
- 457 public has access to and a right to use for transportation, including an airline, railroad, bus,
- 458 boat, or other public conveyance.
- 459 (84) "Reception center" means a business that:

- 460 (a) operates facilities that are at least 5,000 square feet; and
- 461 (b) has as its primary purpose the leasing of the facilities described in Subsection
- 462 (84)(a) to a third party for the third party's event.
- 463 (85) "Reception center license" means a license issued in accordance with Chapter 5,
- 464 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 465 (86) (a) "Record" means information that is:
- 466 (i) inscribed on a tangible medium; or
- 467 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 468 (b) "Record" includes:
- 469 (i) a book;
- 470 (ii) a book of account;
- 471 (iii) a paper;
- 472 (iv) a contract;
- 473 (v) an agreement;
- 474 (vi) a document; or
- 475 (vii) a recording in any medium.
- 476 (87) "Residence" means a person's principal place of abode within Utah.
- 477 (88) "Resident," in relation to a resort, is as defined in Section [32B-8-102](#).
- 478 (89) "Resort" is as defined in Section [32B-8-102](#).
- 479 (90) "Resort facility" is as defined by the commission by rule.
- 480 (91) "Resort license" means a license issued in accordance with Chapter 5, Retail
- 481 License Act, and Chapter 8, Resort License Act.
- 482 (92) "Restaurant" means a business location:
- 483 (a) at which a variety of foods are prepared;
- 484 (b) at which complete meals are served to the general public; and
- 485 (c) that is engaged primarily in serving meals to the general public.
- 486 (93) "Retail license" means one of the following licenses issued under this title:
- 487 (a) a full-service restaurant license;
- 488 (b) a master full-service restaurant license;
- 489 (c) a limited-service restaurant license;
- 490 (d) a master limited-service restaurant license;



- 491 (e) a club license;
- 492 (f) an airport lounge license;
- 493 (g) an on-premise banquet license;
- 494 (h) an on-premise beer license;
- 495 (i) a reception center license; or
- 496 (j) a beer-only restaurant license.
- 497 (94) "Room service" means furnishing an alcoholic product to a person in a guest room
- 498 of a:
  - 499 (a) hotel; or
  - 500 (b) resort facility.
- 501 (95) "Serve" means to place an alcoholic product before an individual.
- 502 (96) (a) "School" means a building used primarily for the general education of minors.
- 503 (b) "School" does not include an educational facility.
- 504 (97) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
- 505 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,
- 506 delivered for value, or by a means or under a pretext is promised or obtained, whether done by
- 507 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules
- 508 made by the commission.
- 509 (98) "Sexually oriented entertainer" means a person who while in a state of seminudity
- 510 appears at or performs:
  - 511 (a) for the entertainment of one or more patrons;
  - 512 (b) on the premises of:
    - 513 (i) a social club licensee; or
    - 514 (ii) a tavern;
  - 515 (c) on behalf of or at the request of the licensee described in Subsection (98)(b);
  - 516 (d) on a contractual or voluntary basis; and
  - 517 (e) whether or not the person is designated as:
    - 518 (i) an employee;
    - 519 (ii) an independent contractor;
    - 520 (iii) an agent of the licensee; or
    - 521 (iv) a different type of classification.

522 (99) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,  
523 Single Event Permit.

524 (100) "Small brewer" means a brewer who manufactures less than 60,000 barrels of  
525 beer, heavy beer, and flavored malt beverages per year.

526 (101) "Social club license" means a license issued in accordance with Chapter 5, Retail  
527 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a  
528 social club license.

529 (102) "Special use permit" means a permit issued in accordance with Chapter 10,  
530 Special Use Permit Act.

531 (103) (a) "Spirituous liquor" means liquor that is distilled.

532 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by  
533 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

534 (104) "Sports center" is as defined by the commission by rule.

535 (105) (a) "Staff" means an individual who engages in activity governed by this title:

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

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

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

542 (b) "Staff" includes:

543 (i) an officer;

544 (ii) a director;

545 (iii) an employee;

546 (iv) personnel management;

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

548 (vi) an operator; or

549 (vii) a representative.

550 (106) "State of nudity" means:

551 (a) the appearance of:

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

553 (ii) a human genital;

554 (iii) a human pubic area; or

555 (iv) a human anus; or

556 (b) a state of dress that fails to opaquely cover:

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

558 (ii) a human genital;

559 (iii) a human pubic area; or

560 (iv) a human anus.

561 (107) "State of seminudity" means a state of dress in which opaque clothing covers no  
562 more than:

563 (a) the nipple and areola of the female human breast in a shape and color other than the  
564 natural shape and color of the nipple and areola; and

565 (b) the human genitals, pubic area, and anus:

566 (i) with no less than the following at its widest point:

567 (A) four inches coverage width in the front of the human body; and

568 (B) five inches coverage width in the back of the human body; and

569 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

570 (108) (a) "State store" means a facility for the sale of packaged liquor:

571 (i) located on premises owned or leased by the state; and

572 (ii) operated by a state employee.

573 (b) "State store" does not include:

574 (i) a package agency;

575 (ii) a licensee; or

576 (iii) a permittee.

577 (109) (a) "Storage area" means an area on licensed premises where the licensee stores  
578 an alcoholic product.

579 (b) "Store" means to place or maintain in a location an alcoholic product from which a  
580 person draws to prepare an alcoholic product to be furnished to a patron, except as provided in

581 Subsection [32B-6-205\(12\)\(b\)\(ii\)](#), [32B-6-305\(12\)\(b\)\(ii\)](#), [32B-6-805\(15\)\(b\)\(ii\)](#), or

582 [32B-6-905\(12\)\(b\)\(ii\)](#).

583 (110) "Sublicense" is as defined in Section [32B-8-102](#).

584 (111) "Supplier" means a person who sells an alcoholic product to the department.

585 (112) "Tavern" means an on-premise beer retailer who is:

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

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

590 (113) "Temporary beer event permit" means a permit issued in accordance with  
591 Chapter 9, Part 4, Temporary Beer Event Permit.

592 (114) "Temporary domicile" means the principal place of abode within Utah of a  
593 person who does not have a present intention to continue residency within Utah permanently or  
594 indefinitely.

595 (115) "Translucent" means a substance that allows light to pass through, but does not  
596 allow an object or person to be seen through the substance.

597 (116) "Unsaleable liquor merchandise" means a container that:

598 (a) is unsaleable because the container is:

599 (i) unlabeled;

600 (ii) leaky;

601 (iii) damaged;

602 (iv) difficult to open; or

603 (v) partly filled;

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

605 (ii) has contents that are:

606 (A) cloudy;

607 (B) spoiled; or

608 (C) chemically determined to be impure; or

609 (iii) contains:

610 (A) sediment; or

611 (B) a foreign substance; or

612 (c) is otherwise considered by the department as unfit for sale.

613 (117) (a) "Wine" means an alcoholic product obtained by the fermentation of the  
614 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not

615 another ingredient is added.

616 (b) "Wine" is considered liquor for purposes of this title, except as otherwise provided  
617 in this title.

618 (118) "Winery manufacturing license" means a license issued in accordance with  
619 Chapter 11, Part 3, Winery Manufacturing License.