# Alcohol Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jefferson S. Burton**

Senate Sponsor: Jerry W Stevenson

**LONG TITLE**

**General Description:**

This bill amends provisions relating to alcohol.

**Highlighted Provisions:**

This bill:

- provides that the Point of the Mountain State Land Authority is a local authority under Title 32B, Alcoholic Beverage Control Act;
- Ĥ→ **provides that a driver license issued by a foreign country or a driver privilege card is a valid proof of age;** ←Ĥ
- enacts provisions relating to the local consent of a local authority when the commission issues a license;
- amends provisions related to a designated conveyance area;
- lowers the number of rooms for a facility to qualify as a hotel;
- increases the criminal penalty for selling, offering for sale, or furnishing alcohol to a minor;
- provides that a restaurant licensee is only required to verify proof of age if the individual appears to be 35 years old or younger;
- amends provisions requiring that a person verify whether an individual is an interdicted person;
- repeals requirements related to the scanning device a licensee shall use when verifying proof of age;
- amends provisions to allow the Department of Alcoholic Beverage Services (department) to round up or round down the price of liquor when a customer pays with cash;
- requires that the department coordinate with law enforcement before beginning a disciplinary action;
- places the internal audit division of the department under the control of the director of the department;
- provides that the Alcoholic Beverage Services Commission (commission) may propose

internal audit policies and recommend changes to the division's internal audit plan;

- amends provisions relating to the commission's authority to deny a license;
- removes the requirement that a liquor storage area be locked at all times;
- provides the conditions under which a patron may transport an alcoholic beverage from a bar establishment to a restaurant establishment;
- amends the percentage requirement of alcohol to food that a licensee shall maintain;
- requires that a sign that an off-premise beer retailer displays contain language the department establishes by rule;
- describes the language that the department shall require in each off-premise beer retailer display;
- requires that the department make a report to the Legislative Management Committee regarding the language the department requires that an off-premise beer retailer display;
- increases the number of reception center licenses that the commission may issue;
- removes the notice requirements relating to issuing an event permit; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**32B-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

**32B-1-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162

**32B-1-202.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 371

**32B-1-407 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471

**32B-2-202 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023, Chapter 371

**32B-2-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 345

**32B-2-213 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024, Chapter 94

**32B-2-302.5 (Effective 05/06/26)**, as enacted by Laws of Utah 2012, Chapter 365

**32B-2-304 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Chapter 94

**32B-2-503 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Chapter 94
**32B-2-605 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Chapter 94
**32B-3-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
**32B-4-403 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 447
**32B-4-405 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471
**32B-5-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162
**32B-5-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 403
**32B-5-304 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025, Chapter 162
**32B-5-305 (Effective upon governor's approval)**, as last amended by Laws of Utah 2011, Chapter 334
**32B-5-306 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471
**32B-5-307 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162
**32B-6-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
**32B-6-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 403
**32B-6-605 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162
**32B-6-803 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 6
**32B-6-805 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 219
**32B-6-903 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 403
**32B-7-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 162, 173
**32B-8-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
**32B-8b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
**32B-8b-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
**32B-8c-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 219
**32B-9-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 219
**32B-9-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 371
**32B-9-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
**32B-9-305 (Effective upon governor's approval)**, as last amended by Laws of Utah 2011, Chapters 307, 334
**63I-5-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapters 169,

97 447

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

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

101 **32B-1-102 (Effective 05/06/26). Definitions.**

102 As used in this title:

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

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

105 (b) that is located at an international airport or domestic airport.

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

107 License Act, and Chapter 6, Part 5, Airport Lounge License.

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

109 (a) beer; or

110 (b) liquor.

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

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

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

114 process that uses liquid or combinations of liquids, whether drinkable or not, to

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

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

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

118 otherwise come within the definition of an alcoholic product:

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

120 (ii) vinegar;

121 (iii) preserved nonintoxicating cider;

122 (iv) essence;

123 (v) tincture;

124 (vi) food preparation; or

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

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

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

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

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

130 (b) described in Section 26B-5-205.

131 (6)(a) "Amphitheater" means an outdoor, multi-use performance venue that:
132 (i) is primarily used to present live entertainment, including music, dance, comedy,
133 and theater;
134 (ii) has the capacity to hold over 10,000 patrons; and
135 (iii) is located in a county of the first class.
136 (b) "Amphitheater" does not include a space that is used to present sporting events or
137 sporting competitions.
138 (7) "Arena" means an enclosed building:
139 (a) that is managed by:
140 (i) the same person who owns the enclosed building;
141 (ii) a person who has a majority interest in each person who owns or manages a space
142 in the enclosed building; or
143 (iii) a person who has authority to direct or exercise control over the management or
144 policy of each person who owns or manages a space in the enclosed building;
145 (b) that operates as a venue; and
146 (c) that has an occupancy capacity of at least 12,500.
147 (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License
148 Act, and Chapter 8c, Arena License Act.
149 (9) "Banquet" means an event:
150 (a) that is a private event or a privately sponsored event;
151 (b) that is held at one or more designated locations approved by the commission in or on
152 the premises of:
153 (i) a hotel;
154 (ii) a resort facility;
155 (iii) a sports center;
156 (iv) a convention center;
157 (v) a performing arts facility;
158 (vi) an arena;
159 (vii) a restaurant venue; or
160 (viii) an amphitheater;
161 (c) for which there is a contract:
162 (i) between a person operating a facility listed in Subsection (9)(b) and another
163 person that has common ownership of less than 20% with the person operating the
164 facility; and

165 (ii) under which the person operating a facility listed in Subsection (9)(b) is required
166 to provide an alcoholic product at the event; and
167 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
168 (10)(a) "Bar establishment license" means a license issued in accordance with Chapter 5,
169 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
170 (b) "Bar establishment license" includes:
171 (i) a dining club license;
172 (ii) an equity license;
173 (iii) a fraternal license; or
174 (iv) a bar license.
175 (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
176 and Chapter 6, Part 4, Bar Establishment License.
177 (12)(a) "Beer" means a product that:
178 (i) contains:
179 (A) at least .5% of alcohol by volume; and
180 (B) no more than 5% of alcohol by volume or 4% by weight;
181 (ii) is obtained by fermentation, infusion, or decoction of:
182 (A) malt; or
183 (B) a malt substitute; and
184 (iii) is clearly marketed, labeled, and identified as:
185 (A) beer;
186 (B) ale;
187 (C) porter;
188 (D) stout;
189 (E) lager;
190 (F) a malt;
191 (G) a malted beverage; or
192 (H) seltzer.
193 (b) "Beer" may contain:
194 (i) hops extract;
195 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
196 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
197 (A) is used in the production of beer;
198 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade

Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
(C) does not contribute more than 10% of the overall alcohol content of the beer.
(c) "Beer" does not include:
(i) a flavored malt beverage;
(ii) a product that contains alcohol derived from:
(A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or
(B) wine; or
(iii) a product that contains an additive masking or altering a physiological effect of alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
(13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
(14) "Beer retailer" means a business that:
(a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption on or off the business premises; and
(b) is licensed as:
(i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer Retailer Local Authority; or
(ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License.
(15) "Beer wholesaling license" means a license:
(a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
(b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail licensees or off-premise beer retailers.
(16) "Billboard" means a public display used to advertise, including:
(a) a light device;
(b) a painting;
(c) a drawing;
(d) a poster;
(e) a sign;
(f) a signboard; or
(g) a scoreboard.
(17) "Brewer" means a person engaged in manufacturing:
(a) beer;

(b) heavy beer; or
(c) a flavored malt beverage.
(18) "Brewery manufacturing license" means a license issued in accordance with Chapter 11, Part 5, Brewery Manufacturing License.
(19) "Certificate of approval" means a certificate of approval obtained from the department under Section 32B-11-201.
(20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a bus company to a group of persons pursuant to a common purpose:
(a) under a single contract;
(b) at a fixed charge in accordance with the bus company's tariff; and
(c) to give the group of persons the exclusive use of the passenger bus, coach, or other motor vehicle, and a driver to travel together to one or more specified destinations.
(21) "Church" means a building:
(a) set apart for worship;
(b) in which religious services are held;
(c) with which clergy is associated; and
(d) that is tax exempt under the laws of this state.
(22) "Commission" means the Alcoholic Beverage Services Commission created in Section 32B-2-201.
(23) "Commissioner" means a member of the commission.
(24) "Community location" means:
(a) a public or private school as defined in Subsection [~~(116)~~] (118);
(b) a church;
(c) a public library;
(d) a public playground; or
(e) a public park.
(25) "Community location governing authority" means:
(a) the governing body of the community location; or
(b) if the commission does not know who is the governing body of a community location, a person who appears to the commission to have been given on behalf of the community location the authority to prohibit an activity at the community location.
(26) "Consent of the local authority" means a written document in which a local authority gives consent to the commission to consider issuing a license, permit, or package agency within the boundaries of the local authority.

[~~(26)~~] (27) "Container" means a receptacle that contains an alcoholic product, including:
(a) a bottle;
(b) a vessel; or
(c) a similar item.
[~~(27)~~] (28) "Controlled group of manufacturers" means as the commission defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
[~~(28)~~] (29) "Convention center" means a facility that is:
(a) in total at least 30,000 square feet; and
(b) otherwise defined as a "convention center" by the commission by rule.
[~~(29)~~] (30)(a) "Counter" means a surface or structure in a dining area of a licensed premises where seating is provided to a patron for service of food.
(b) "Counter" does not include a dispensing structure.
[~~(30)~~] (31) "Crime involving moral turpitude" [~~is as defined by the commission by rule~~] means the same as the commission defines that term by rule.
[~~(31)~~] (32) "Department" means the Department of Alcoholic Beverage Services created in Section 32B-2-203.
[~~(32)~~] (33) "Department compliance officer" means an individual who is:
(a) an auditor or inspector; and
(b) employed by the department.
[~~(33)~~] (34) "Department sample" means liquor that is placed in the possession of the department for testing, analysis, and sampling.
[~~(34)~~] (35) "Dining club license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a dining club license.
[~~(35)~~] (36) "Director," unless the context requires otherwise, means the director of the department.
[~~(36)~~] (37) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
(a) against a person subject to administrative action; and
(b) that is brought on the basis of a violation of this title.
[~~(37)~~] (38)(a) Subject to Subsection [~~(37)(b)~~] (38)(b), "dispense" means:
(i) drawing an alcoholic product; and
(ii) using the alcoholic product at the location from which it was drawn to mix or prepare an alcoholic product to be furnished to a patron of the retail licensee.

(b) The definition of "dispense" in this Subsection [~~(37)~~] (38) applies only to:
(i) a full-service restaurant license;
(ii) a limited-service restaurant license;
(iii) a reception center license;
(iv) a beer-only restaurant license;
(v) a bar license;
(vi) an on-premise beer retailer;
(vii) an airport lounge license;
(viii) an on-premise banquet license; and
(ix) a hospitality amenity license.

[~~(38)~~] (39) "Dispensing structure" means a surface or structure on a licensed premises:
(a) where an alcoholic product is dispensed; or
(b) from which an alcoholic product is served.

[~~(39)~~] (40) "Distillery manufacturing license" means a license issued in accordance with Chapter 11, Part 4, Distillery Manufacturing License.

[~~(40)~~] (41) "Distressed merchandise" means an alcoholic product in the possession of the department that is saleable, but for some reason is unappealing to the public.

[~~(41)~~] (42) "Domestic airport" means an airport that:
(a) has at least 15,000 commercial airline passenger boardings in any five-year period;
(b) receives scheduled commercial passenger aircraft service; and
(c) is not an international airport.

[~~(42)~~] (43) "Equity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as an equity license.

[~~(43)~~] (44) "Event permit" means:
(a) a single event permit; or
(b) a temporary beer event permit.

[~~(44)~~] (45) "Exempt license" means a license exempt under Section 32B-1-201 from being considered in determining the total number of retail licenses that the commission may issue at any time.

[~~(45)~~] (46)(a) "Flavored malt beverage" means a beverage:
(i) that contains at least .5% alcohol by volume;
(ii) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because

335 the beverage is treated by processing, filtration, or another method of manufacture
336 that is not generally recognized as a traditional process in the production of a beer,
337 ale, porter, stout, lager, or malt liquor; and
338 (iii) for which the producer is required to file a formula for approval with the federal
339 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
340 the beverage includes an ingredient containing alcohol.
341 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
342 ethanol-based flavoring agent that contributes to the overall alcohol content of the
343 beverage.
344 (c) "Flavored malt beverage" does not include beer or heavy beer.
345 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
346 [~~(46)~~] (47) "Fraternal license" means a license issued in accordance with Chapter 5, Retail
347 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
348 commission as a fraternal license.
349 [~~(47)~~] (48) "Full-service restaurant license" means a license issued in accordance with
350 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
351 [~~(48)~~] (49)(a) "Furnish" means by any means to provide with, supply, or give an
352 individual an alcoholic product, by sale or otherwise.
353 (b) "Furnish" includes to:
354 (i) serve;
355 (ii) deliver; or
356 (iii) otherwise make available.
357 [~~(49)~~] (50) "Guest" means an individual who meets the requirements of Subsection
358 32B-6-407(9).
359 [~~(50)~~] (51) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
360 [~~(51)~~] (52) "Health care practitioner" means:
361 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
362 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
363 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
364 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
365 Act;
366 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
367 Nurse Practice Act;
368 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy

Practice Act;

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

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

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

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

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

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

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

[~~(52)~~] (53)(a) "Heavy beer" means a product that:

(i)(A) contains more than 5% alcohol by volume;

(B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and a propolyne glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes more than 10% of the overall alcohol content of the product; or

(C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and has a label or packaging that is rejected under Subsection 32B-1-606(3)(b); and

(ii) is obtained by fermentation, infusion, or decoction of:

(A) malt; or

(B) a malt substitute.

(b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume, contain a propolyne glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol content of the heavy beer.

(c) "Heavy beer" does not include:

(i) a flavored malt beverage;

(ii) a product that contains alcohol derived from:

(A) except as provided in Subsections [~~(52)(a)(i)(B)~~] (53)(a)(i)(B) and [~~(52)(b)~~] (53)(b), spirituous liquor; or

(B) wine; or

403 (iii) a product that contains an additive masking or altering a physiological effect of
404 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
405 tetrahydrocannabinol.
406 (d) "Heavy beer" is considered liquor for the purposes of this title.
407 [~~(53)~~] (54) "Hospitality amenity license" means a license issued in accordance with Chapter
408 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
409 [~~(54)~~] (55)(a) "Hotel" means a commercial lodging establishment that:
410 (i) offers at least [~~40~~] 30 rooms as temporary sleeping accommodations for
411 compensation;
412 (ii) is capable of hosting conventions, conferences, and food and beverage functions
413 under a banquet contract; and
414 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
415 complete meals;
416 (B) has at least 1,000 square feet of function space consisting of meeting or dining
417 rooms that can be reserved for a banquet and can accommodate at least 75
418 individuals; or
419 (C) if the establishment is located in a small or unincorporated locality, has an
420 appropriate amount of function space consisting of meeting or dining rooms
421 that can be reserved for private use under a banquet contract, as determined by
422 the commission.
423 (b) "Hotel" includes a commercial lodging establishment that:
424 (i) meets the requirements under Subsection [~~(54)(a)~~] (55)(a); and
425 (ii) has one or more privately owned dwelling units.
426 [~~(55)~~] (56) "Hotel license" means a license issued in accordance with Chapter 5, Retail
427 License Act, and Chapter 8b, Hotel License Act.
428 [~~(56)~~] (57) "Identification card" means an identification card issued under Title 53, Chapter
429 3, Part 8, Identification Card Act.
430 [~~(57)~~] (58) "Industry representative" means an individual who is compensated by salary,
431 commission, or other means for representing and selling an alcoholic product of a
432 manufacturer, supplier, or importer of liquor.
433 [~~(58)~~] (59) "Industry representative sample" means liquor that is placed in the possession of
434 the department for testing, analysis, and sampling by a local industry representative on
435 the premises of the department to educate the local industry representative of the quality
436 and characteristics of the product.

437 [~~(59)~~] (60)(a) "Interdicted person" means a person to whom the sale, offer for sale, or
438 furnishing of an alcoholic product is prohibited by:
439 (i) law; or
440 (ii) court order.
441 (b) "Interdicted person" includes a person who voluntarily obtains a driver license
442 certificate under Section 53-3-236 or an identification card under Section 53-3-805
443 with an interdicted person identifier.
444 [~~(60)~~] (61) "International airport" means an airport:
445 (a) with a United States Customs and Border Protection office on the premises of the
446 airport; and
447 (b) at which international flights may enter and depart.
448 [~~(61)~~] (62) "Intoxicated" or "intoxication" means that
449 an individual exhibits plain and easily observable outward manifestations of behavior or
450 physical signs produced by or as a result of the use of:
451 (a) an alcoholic product;
452 (b) a controlled substance;
453 (c) a substance having the property of releasing toxic vapors; or
454 (d) a combination of products or substances described in Subsections [~~(61)(a)~~] (62)(a)
455 through (c).
456 [~~(62)~~] (63) "Investigator" means an individual who is:
457 (a) a department compliance officer; or
458 (b) a nondepartment enforcement officer.
459 [~~(63)~~] (64) "License" means:
460 (a) a retail license;
461 (b) a sublicense;
462 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
463 License;
464 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
465 Act;
466 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
467 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
468 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
469 [~~(64)~~] (65) "Licensee" means a person who holds a license.
470 [~~(65)~~] (66) "Limited-service restaurant license" means a license issued in accordance with

Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.

[~~(66)~~] (67) "Limousine" means a motor vehicle licensed by the state or a local authority, other than a bus or taxicab:

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

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

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

[~~(67)~~] (68)(a)(i) "Liquor" means a liquid that:

(A) is:

(I) alcohol;

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

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

(IV) other drink or drinkable liquid; and

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

(II) is suitable to use for beverage purposes.

(ii) "Liquor" includes:

(A) heavy beer;

(B) wine; and

(C) a flavored malt beverage.

(b) "Liquor" does not include beer.

[~~(68)~~] (69) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.

[~~(69)~~] (70) "Liquor transport license" means a license issued in accordance with Chapter 17, Liquor Transport License Act.

[~~(70)~~] (71) "Liquor warehousing license" means a license that is issued:

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

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

[~~(71)~~] (72) "Local authority" means:

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

(b) for premises that are located in an incorporated city or town, the governing body of the city or town;[~~ or~~]

(c) the Point of the Mountain State Land Authority created in Section 11-59-201; or

[~~(c)~~] (d) for premises that are located in a project area as defined in Section 63H-1-102 and in a project area plan adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation Development Authority.

[~~(72)~~] (73) "Lounge or bar area" [~~is as defined by rule made by the commission~~] means the same as the commission defines that term by rule.

[~~(73)~~] (74) "Malt substitute" means:

(a) rice;

(b) grain;

(c) bran;

(d) glucose;

(e) sugar; or

(f) molasses.

[~~(74)~~] (75) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

(76) "Markup cost" means the amount a person pays to the department for an alcoholic product in accordance with Section 32B-2-304.

[~~(75)~~] (77) "Member" means an individual who, after paying regular dues, has full privileges in an equity licensee or fraternal licensee.

[~~(76)~~] (78)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility for a ship:

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

(B) of the National Guard;

(ii) that is located within the state; and

(iii) including a leased facility.

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

(i) civil works;

(ii) a rivers and harbors project; or

(iii) a flood control project.

[~~(77)~~] (79) "Minibar" means an area of a hotel guest room where one or more alcoholic

539 products are kept and offered for self-service sale or consumption.
540 [~~(78)~~] (80) "Minor" means an individual under 21 years old.
541 [~~(79)~~] (81) "Nondepartment enforcement agency" means an agency that:
542 (a)(i) is a state agency other than the department; or
543 (ii) is an agency of a county, city, or town; and
544 (b) has a responsibility to enforce one or more provisions of this title.
545 [~~(80)~~] (82) "Nondepartment enforcement officer" means an individual who is:
546 (a) a peace officer, examiner, or investigator; and
547 (b) employed by a nondepartment enforcement agency.
548 [~~(81)~~] (83)(a) "Off-premise beer retailer" means a beer retailer who is:
549 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
550 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
551 premises.
552 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
553 [~~(82)~~] (84) "Off-premise beer retailer state license" means a state license issued in
554 accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License.
555 [~~(83)~~] (85) "On-premise banquet license" means a license issued in accordance with Chapter
556 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
557 [~~(84)~~] (86) "On-premise beer retailer" means a beer retailer who is:
558 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
559 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
560 License; and
561 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
562 premises:
563 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
564 premises; and
565 (ii) on and after March 1, 2012, operating:
566 (A) as a tavern; or
567 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
568 [~~(85)~~] (87) "Opaque" means impenetrable to sight.
569 [~~(86)~~] (88) "Package agency" means a retail liquor location operated:
570 (a) under an agreement with the department; and
571 (b) by a person:
572 (i) other than the state; and

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

[~~(87)~~] (89) "Package agent" means a person who holds a package agency.

[~~(88)~~] (90) "Patron" means an individual to whom food, beverages, or services are sold, offered for sale, or furnished, or who consumes an alcoholic product including:

(a) a customer;

(b) a member;

(c) a guest;

(d) an attendee of a banquet or event;

(e) an individual who receives room service;

(f) a resident of a resort; or

(g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity license.

[~~(89)~~] (91)(a) "Performing arts facility" means a multi-use performance space that:

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

(ii) contains over 2,500 seats;

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

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

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

[~~(90)~~] (92) "Permittee" means a person issued a permit under:

(a) Chapter 9, Event Permit Act; or

(b) Chapter 10, Special Use Permit Act.

[~~(91)~~] (93) "Person subject to administrative action" means:

(a) a licensee;

(b) a permittee;

(c) a manufacturer;

(d) a supplier;

(e) an importer;

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

(i) an out-of-state brewer;

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

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

(g) staff of:

(i) a person listed in Subsections [~~(91)(a)~~] (93)(a) through (f); or

(ii) a package agent.

[~~(92)~~] (94) "Premises" means a building, enclosure, or room used in connection with the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product, unless otherwise defined in this title or rules made by the commission.

[~~(93)~~] (95) "Prescription" means an order issued by a health care practitioner when:

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

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

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

[~~(94)~~] (96)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.

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

[~~(95)~~] (97) "Principal license" means:

(a) a resort license;

(b) a hotel license; or

(c) an arena license.

[~~(96)~~] (98)(a) "Private event" means a specific social, business, or recreational event:

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

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

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

[~~(97)~~] (99) "Privately sponsored event" means a specific social, business, or recreational event:

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

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

[~~(98)~~] (100) **Ĥ→ [~~(a)~~] ←Ĥ** "Proof of age" means:

**Ĥ→ [~~(i)~~] (a) ←Ĥ** an identification card;

**Ĥ→ [~~(ii)~~] (b) ←Ĥ** an identification that:

**Ĥ→ [~~(A)~~] (i) ←Ĥ** is substantially similar to an identification card;

641 Ĥ→ **[~~(B)~~] (ii)** ←Ĥ is issued in accordance with the laws of a state other than
641a Utah in which the
642 identification is issued;
643 Ĥ→ **[~~(C)~~] (iii)** ←Ĥ includes date of birth; and
644 Ĥ→ **[~~(D)~~] (iv)** ←Ĥ has a picture affixed;
645 Ĥ→ **[~~(iii)~~] (c)** ←Ĥ a valid driver license certificate that:
646 Ĥ→ **[~~(A)~~] (i)** ←Ĥ includes date of birth;
647 Ĥ→ **[~~(B)~~] (ii)** ←Ĥ has a picture affixed; and
648 Ĥ→ **[~~(C)~~] (iii)** ←Ĥ is issued under Title 53, Chapter 3, Uniform Driver License
648a Act, in
649 accordance with the laws of the state in which it is issued, or in accordance
650 with federal law by the United States Department of State;
651 Ĥ→ **[~~(iv)~~] (d)** ←Ĥ a military identification card that:
652 Ĥ→ **[~~(A)~~] (i)** ←Ĥ includes date of birth; and
653 Ĥ→ **[~~(B)~~] (ii)** ←Ĥ has a picture affixed; Ĥ→ **[~~or~~]**
654 **[~~(v)~~] (e)** ←Ĥ a valid passport Ĥ→ **[~~.~~] ;**
654a **(f) a valid driver license that:**
654b **(i) includes a date of birth;**
654c **(ii) has a picture affixed; and**
[~~(iv)~~] **(iii) is issued under the laws of a country other than the United States; or**
**(iv) a driving privilege card issued in accordance with Section 53-3-207.**
655 **[~~(b) "Proof of age" does not include a driving privilege card issued in accordance with~~**
656 **~~Section 53-3-207.~~] ←Ĥ**
657 [~~(99)~~] (101) "Provisions applicable to a sublicense" means:
658 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
659 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
660 (b) for a limited-service restaurant sublicense, the provisions applicable to a
661 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
662 License;
663 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
664 license under Chapter 6, Part 4, Bar Establishment License;
665 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
666 banquet license under Chapter 6, Part 6, On-Premise Banquet License;

667 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
668 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
669 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
670 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
671 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
672 license under Chapter 6, Part 10, Hospitality Amenity License; and
673 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
674 Part 2, Resort Spa Sublicense.
675 [~~(100)~~] (102)(a) "Public building" means a building or permanent structure that is:
676 (i) owned or leased by:
677 (A) the state; or
678 (B) a local government entity; and
679 (ii) used for:
680 (A) public education;
681 (B) transacting public business; or
682 (C) regularly conducting government activities.
683 (b) "Public building" does not include a building owned by the state or a local
684 government entity when the building is used by a person, in whole or in part, for a
685 proprietary function.
686 [~~(101)~~] (103) "Public conveyance" means a conveyance that the public or a portion of the
687 public has access to and a right to use for transportation, including an airline, railroad,
688 bus, boat, or other public conveyance.
689 [~~(102)~~] (104) "Reception center" means a business that:
690 (a) operates facilities that are at least 5,000 square feet; and
691 (b) has as its primary purpose the leasing of the facilities described in Subsection [
692 ~~(102)(a)~~] (104)(a) to a third party for the third party's event.
693 [~~(103)~~] (105) "Reception center license" means a license issued in accordance with Chapter
693a 5,
694 Retail License Act, and Chapter 6, Part 8, Reception Center License.
695 [~~(104)~~] (106)(a) "Record" means information that is:
696 (i) inscribed on a tangible medium; or
697 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
698 (b) "Record" includes:
699 (i) a book;

700 (ii) a book of account;
701 (iii) a paper;
702 (iv) a contract;
703 (v) an agreement;
704 (vi) a document; or
705 (vii) a recording in any medium.
706 [~~(105)~~] (107) "Residence" means a person's principal place of abode within Utah.
707 [~~(106)~~] (108) "Resident," in relation to a resort, means the same as that term is defined in
708 Section 32B-8-102.
709 [~~(107)~~] (109) "Resort" means the same as that term is defined in Section 32B-8-102.
710 [~~(108)~~] (110) "Resort facility" [~~is as defined by the commission by rule~~] means the same as
711 the commission defines that term by rule.
712 [~~(109)~~] (111) "Resort license" means a license issued in accordance with Chapter 5, Retail
713 License Act, and Chapter 8, Resort License Act.
714 [~~(110)~~] (112) "Responsible alcohol service plan" means a written set of policies and
715 procedures that outlines measures to prevent employees from:
716 (a) over-serving alcoholic beverages to customers;
717 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
718 intoxicated; and
719 (c) serving alcoholic beverages to minors.
720 [~~(111)~~] (113) "Restaurant" means a business location:
721 (a) at which a variety of foods are prepared;
722 (b) at which complete meals are served; and
723 (c) that is engaged primarily in serving meals.
724 [~~(112)~~] (114) "Restaurant license" means one of the following licenses issued under this title:
725 (a) a full-service restaurant license;
726 (b) a limited-service restaurant license; or
727 (c) a beer-only restaurant license.
728 [~~(113)~~] (115) "Restaurant venue" means a room within a restaurant that:
729 (a) is located on the licensed premises of a restaurant licensee;
730 (b) is separated from the area within the restaurant for a patron's consumption of food by
731 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
732 visible to a patron in the area within the restaurant for a patron's consumption of
733 food; and

(c)(i) has at least 1,000 square feet that:
(A) may be reserved for a banquet; and
(B) accommodates at least 75 individuals; or
(ii) if the restaurant is located in a small or unincorporated locality, has an appropriate amount of space, as determined by the commission, that may be reserved for a banquet.

[~~(114)~~] (116) "Retail license" means one of the following licenses issued under this title:
(a) a full-service restaurant license;
(b) a master full-service restaurant license;
(c) a limited-service restaurant license;
(d) a master limited-service restaurant license;
(e) a bar establishment license;
(f) an airport lounge license;
(g) an on-premise banquet license;
(h) an on-premise beer license;
(i) a reception center license;
(j) a beer-only restaurant license;
(k) a hospitality amenity license;
(l) a resort license;
(m) a hotel license; or
(n) an arena license.

[~~(115)~~] (117) "Room service" means furnishing an alcoholic product to a person in a guest room or privately owned dwelling unit of a:
(a) hotel; or
(b) resort facility.

[~~(116)~~] (118)(a) "School" means a building in which any part is used for more than three hours each weekday during a school year as a public or private:
(i) elementary school;
(ii) secondary school; or
(iii) kindergarten.
(b) "School" does not include:
(i) a nursery school;
(ii) a day care center;
(iii) a trade and technical school;

(iv) a preschool;
(v) a home school;
(vi) a home-based microschool as defined in Section 53G-6-201; or
(vii) a micro-education entity as defined in Section 53G-6-201.

[~~(117)~~] (119) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for additional flavoring that is different in type, flavor, or brand from the primary spirituous liquor in the beverage.

[~~(118)~~] (120) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules made by the commission.

[~~(119)~~] (121) "Serve" means to place an alcoholic product before an individual.

[~~(120)~~] (122) "Sexually oriented entertainer" means a person who while in a state of seminudity appears at or performs:
(a) for the entertainment of one or more patrons;
(b) on the premises of:
(i) a bar licensee; or
(ii) a tavern;
(c) on behalf of or at the request of the licensee described in Subsection [~~(120)(b)~~] (122)(b);
(d) on a contractual or voluntary basis; and
(e) whether or not the person is designated as:
(i) an employee;
(ii) an independent contractor;
(iii) an agent of the licensee; or
(iv) a different type of classification.

[~~(121)~~] (123) "Shared seating area" means the licensed premises of two or more restaurant licensees that the restaurant licensees share as an area for alcoholic beverage consumption in accordance with Subsection 32B-5-207(3).

[~~(122)~~] (124) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3, Single Event Permit.

[~~(123)~~] (125) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer, heavy beer, and flavored malt beverage per year, as the department calculates by:

802 (a) if the brewer is part of a controlled group of manufacturers, including the combined
803 volume totals of production for all breweries that constitute the controlled group of
804 manufacturers; and
805 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
806 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
807 determines by rule made in accordance with Title 63G, Chapter 3, Utah
808 Administrative Rulemaking Act; and
809 (ii) does not sell for consumption as, or in, a beverage.
810 [~~(124)~~] (126) "Small or unincorporated locality" means:
811 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
812 (b) a town, as classified under Section 10-2-301; or
813 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
814 under Section 17-60-104.
815 [~~(125)~~] (127) "Spa sublicense" means a sublicense:
816 (a) to a resort license or hotel license; and
817 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
818 Sublicense.
819 [~~(126)~~] (128) "Special use permit" means a permit issued in accordance with Chapter 10,
820 Special Use Permit Act.
821 [~~(127)~~] (129)(a) "Spirituous liquor" means liquor that is distilled.
822 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
823 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.
824 [~~(128)~~] (130) "Sports center" [~~is as defined by the commission by rule~~] means the same as
825 the commission defines that term by rule.
826 [~~(129)~~] (131)(a) "Staff" means an individual who engages in activity governed by this
827 title:
828 (i) on behalf of a business, including a package agent, licensee, permittee, or
829 certificate holder;
830 (ii) at the request of the business, including a package agent, licensee, permittee, or
831 certificate holder; or
832 (iii) under the authority of the business, including a package agent, licensee,
833 permittee, or certificate holder.
834 (b) "Staff" includes:
835 (i) an officer;

(ii) a director;
(iii) an employee;
(iv) personnel management;
(v) an agent of the licensee, including a managing agent;
(vi) an operator; or
(vii) a representative.
[~~(130)~~] (132) "State of nudity" means:
(a) the appearance of:
(i) the nipple or areola of a female human breast;
(ii) a human genital;
(iii) a human pubic area; or
(iv) a human anus; or
(b) a state of dress that fails to opaquely cover:
(i) the nipple or areola of a female human breast;
(ii) a human genital;
(iii) a human pubic area; or
(iv) a human anus.
[~~(131)~~] (133) "State of seminudity" means a state of dress in which opaque clothing covers no more than:
(a) the nipple and areola of the female human breast in a shape and color other than the natural shape and color of the nipple and areola; and
(b) the human genitals, pubic area, and anus:
(i) with no less than the following at its widest point:
(A) four inches coverage width in the front of the human body; and
(B) five inches coverage width in the back of the human body; and
(ii) with coverage that does not taper to less than one inch wide at the narrowest point.
[~~(132)~~] (134)(a) "State store" means a facility for the sale of packaged liquor:
(i) located on premises owned or leased by the state; and
(ii) operated by a state employee.
(b) "State store" does not include:
(i) a package agency;
(ii) a licensee; or
(iii) a permittee.
[~~(133)~~] (135)(a) "Storage area" means an area on licensed premises where the licensee

870 stores an alcoholic product.
871 (b) "Store" means to place or maintain in a location an alcoholic product.
872 [~~(134)~~] (136) "Sublicense" means:
873 (a) any of the following licenses issued as a subordinate license to, and contingent on the
874 issuance of, a principal license:
875 (i) a full-service restaurant license;
876 (ii) a limited-service restaurant license;
877 (iii) a bar establishment license;
878 (iv) an on-premise banquet license;
879 (v) an on-premise beer retailer license;
880 (vi) a beer-only restaurant license; or
881 (vii) a hospitality amenity license; or
882 (b) a spa sublicense.
883 [~~(135)~~] (137) "Supplier" means a person who sells an alcoholic product to the department.
884 [~~(136)~~] (138) "Tavern" means an on-premise beer retailer who is:
885 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
886 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
887 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
888 On-Premise Beer Retailer License.
889 [~~(137)~~] (139) "Temporary beer event permit" means a permit issued in accordance with
890 Chapter 9, Part 4, Temporary Beer Event Permit.
891 [~~(138)~~] (140) "Temporary domicile" means the principal place of abode within Utah of a
892 person who does not have a present intention to continue residency within Utah
893 permanently or indefinitely.
894 [~~(139)~~] (141) "Translucent" means a substance that allows light to pass through, but does not
895 allow an object or person to be seen through the substance.
896 [~~(140)~~] (142) "Unsaleable liquor merchandise" means a container that:
897 (a) is unsaleable because the container is:
898 (i) unlabeled;
899 (ii) leaky;
900 (iii) damaged;
901 (iv) difficult to open; or
902 (v) partly filled;
903 (b)(i) has faded labels or defective caps or corks;

904 (ii) has contents that are:
905 (A) cloudy;
906 (B) spoiled; or
907 (C) chemically determined to be impure; or
908 (iii) contains:
909 (A) sediment; or
910 (B) a foreign substance; or
911 (c) is otherwise considered by the department as unfit for sale.
912 [~~(141)~~] (143)(a) "Wine" means an alcoholic product obtained by the fermentation of the
913 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether
914 or not another ingredient is added.
915 (b) "Wine" includes:
916 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
917 Sec. 4.10; and
918 (ii) hard cider.
919 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
920 this title.
921 [~~(142)~~] (144) "Winery manufacturing license" means a license issued in accordance with
922 Chapter 11, Part 3, Winery Manufacturing License.
923 Section 2. Section **32B-1-202** is amended to read:
924 **32B-1-202 (Effective 05/06/26). Proximity to community location.**
925 (1) As used in this section:
926 (a) "Designated project area zone" means the area that is:
927 (i) bounded by:
928 (A) South Temple Street;
929 (B) 100 South Street;
930 (C) West Temple Street; and
931 (D) 400 West Street; and
932 (ii) within a project area as defined in Section 63N-3-1401.
933 (b)(i) "Outlet" means:
934 (A) a state store;
935 (B) a package agency; or
936 (C) a retail licensee.
937 (ii) "Outlet" does not include:

938 (A) an airport lounge licensee; or
939 (B) a restaurant.
940 (c) "Restaurant" means:
941 (i) a full-service restaurant licensee;
942 (ii) a limited-service restaurant licensee;
943 (iii) a beer-only restaurant licensee; or
944 (iv) a restaurant venue on-premise banquet licensee.
945 (2)(a) Except as otherwise provided in this section or Section 32B-1-202.1, the
946 commission may not issue a license for an outlet if, on the date the commission takes
947 final action to approve or deny the application, there is a community location:
948 (i) within 600 feet of the proposed outlet, as measured from the nearest patron
949 entrance of the proposed outlet by following the shortest route of ordinary
950 pedestrian travel to the property boundary of the community location; or
951 (ii) within 200 feet of the proposed outlet, measured in a straight line from the
952 nearest patron entrance of the proposed outlet to the nearest property boundary of
953 the community location.
954 (b) Except as otherwise provided in this section or Section 32B-1-202.1, the commission
955 may not issue a license for a restaurant if, on the date the commission takes final
956 action to approve or deny the application, there is a community location:
957 (i) within 300 feet of the proposed restaurant, as measured from the nearest patron
958 entrance of the proposed restaurant by following the shortest route of ordinary
959 pedestrian travel to the property boundary of the community location; or
960 (ii) within 200 feet of the proposed restaurant, measured in a straight line from the
961 nearest patron entrance of the proposed restaurant to the nearest property
962 boundary of the community location.
963 (3)(a) For an outlet or a restaurant that holds a license on May 9, 2017, and operates
964 under a previously approved variance to one or more proximity requirements in
965 effect before May 9, 2017, subject to the other provisions of this title, that outlet or
966 restaurant, or another outlet or restaurant with the same type of license as that outlet
967 or restaurant, may operate under the previously approved variance regardless of
968 whether:
969 (i) the outlet or restaurant changes ownership;
970 (ii) the property on which the outlet or restaurant is located changes ownership; or
971 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the

same type of license, unless during the lapse, the property is used for a different purpose.

(b) An outlet or a restaurant that has continuously operated at a location since before January 1, 2007, is considered to have a previously approved variance.

(4) An outlet or restaurant that holds a license on May 12, 2020, and operates in accordance with the proximity requirements in effect at the time the commission issued the license or operates under a previously approved variance described in Subsection (3), subject to the other provisions of this title, that outlet or restaurant or an outlet or a restaurant with the same type of license as that outlet or restaurant may operate at the premises regardless of whether:

(a) the outlet or restaurant changes ownership;

(b) the property on which the outlet or restaurant is located changes ownership; or

(c) there is a lapse of one year or less in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse the property is used for a different purpose.

(5)(a) If, after an outlet or a restaurant obtains a license under this title, a person establishes a community location on a property that puts the outlet or restaurant in violation of the proximity requirements in effect at the time the license is issued or a previously approved variance described in Subsection (3), subject to the other provisions of this title, that outlet or restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant, may operate at the premises regardless of whether:

(i) the outlet or restaurant changes ownership;

(ii) the property on which the outlet or restaurant is located changes ownership; or

(iii) there is a lapse in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse the property is used for a different purpose.

(b) The provisions of this Subsection (5) apply regardless of when the outlet's or restaurant's license is issued.

(6) The proximity requirements described in Subsection (2) do not apply:

(a) if the proposed outlet or proposed restaurant and the community location are located within the boundaries of a designated project area zone; or

(b) if a local authority includes in the [~~written~~ ]consent of the local authority an acknowledgment and authorization of the outlet's or the restaurant's proximity to a

1006 public park, including any connected trail system, if the public park and connected
1007 trail system are:
1008 (i) at least 12 acres in size;
1009 (ii) on land the state owns; and
1010 (iii) managed by the Point of the Mountain State Land Authority created in Section
1011 11-59-201.
1012 (7)(a) Subject to Subsection (7)(b), the commission may issue a license to a restaurant
1013 that does not meet the proximity requirements of Subsection (2), if a local authority:
1014 (i) includes in the consent of the local authority an acknowledgment and
1015 authorization of the restaurant's proximity to a community location; and
1016 (ii) subject to Subsection (8), at least 30 days before the day on which the local
1017 authority issues the consent of the local authority, holds a public meeting in which
1018 the local authority shall give the public the opportunity to comment on the
1019 proposed location of the restaurant.
1020 (b) Subsection (7)(a) does not apply if the community location is a church or school.
1021 (8) In addition to the meeting requirement described in Subsection (7)(a)(ii), if the
1022 community location is the Point of the Mountain State Land Authority created in Section
1023 11-59-201, before the day on which a local authority holds the public meeting described
1024 in Subsection (7)(a)(ii), the municipality in which the community location is located
1025 shall hold a separate public meeting in which the municipality shall give the public the
1026 opportunity to comment on the proposed location of the restaurant.
1027 [~~(7)~~] (9) Nothing in this section prevents the commission from considering the proximity of
1028 an educational, religious, and recreational facility, or any other relevant factor in
1029 reaching a decision on a proposed location of an outlet.
1030 Section 3. Section **32B-1-202.1** is amended to read:
1031 **32B-1-202.1 (Effective 05/06/26). Proximity for certain hotel and arena licensees.**
1032 (1) As used in this section, "hotel" means the same as that term is defined in Section
1033 32B-8b-102.
1034 (2) The commission may issue a hotel license for a proposed location that does not meet the
1035 proximity requirements under Section 32B-1-202, if:
1036 (a)(i) the proposed hotel is:
1037 [~~(i)~~] (A) located in a city classified as a city of the first class under Section
1038 10-2-301;
1039 [~~(ii)~~] (B) within 650 feet of two community locations, as measured from the

1040 nearest patron entrance of the proposed hotel by following the shortest route of
1041 ordinary pedestrian travel to the property boundary of each community
1042 location;
1043 [~~(iii)~~] (C) not within 300 feet of a community location, as measured from the
1044 nearest patron entrance of the proposed hotel by following the shortest route of
1045 ordinary pedestrian travel to the property boundary of the community location;
1046 and
1047 [~~(iv)~~] (D) not within 200 feet of a community location, as measured in a straight
1048 line from the nearest patron entrance of the proposed hotel to the nearest
1049 property boundary of the community location; or
1050 (ii) the community location is not a school or church, a local authority:
1051 (A) includes in the consent of the local authority an acknowledgment and
1052 authorization of the hotel's proximity to a community location; and
1053 (B) subject to Subsection (5), at least 30 days before the day on which the local
1054 authority issues the consent of the local authority, holds a public meeting in
1055 which the local authority shall give the public the opportunity to comment on
1056 the proposed location of the hotel;
1057 (b) the proposed sublicensed premises of a bar establishment sublicense under the hotel
1058 license:
1059 (i) is on the second or higher floor of a hotel;
1060 (ii) is not accessible at street level; and
1061 (iii) is only accessible to an individual who passes through another area of the hotel
1062 in which the bar establishment sublicense is located; and
1063 (c) the applicant meets all other criteria under this title for the hotel license.
1064 (3) The commission may issue authority to operate as a package agency to a hotel licensee
1065 who meets the requirements described in Subsection (2).
1066 (4)(a) The commission may issue an arena license for a proposed location that does not
1067 meet the proximity requirements described in Section 32B-1-202, if, on the day
1068 before the day on which the commission issues the license, each proposed sublicense
1069 of the arena license:
1070 (i) operates as an outlet or restaurant; and
1071 (ii)(A) operates on the proposed sublicense premises under a variance to one or
1072 more proximity requirements in accordance with Section 32B-1-202; or
1073 (B) has been in operation on the proposed sublicense premises for at least 10 years.

1074 (b) After the commission issues an arena license in accordance with Subsection (4)(a),
1075 the commission may not issue the arena licensee an additional sublicense.
1076 (5) In addition to the meeting requirement described in Subsection (2)(a)(ii)(B), if the
1077 community location is the Point of the Mountain State Land Authority created in Section
1078 11-59-201, before the day on which a local authority holds the public meeting described
1079 in Subsection (2)(a)(ii)(B), the municipality in which the community location is located
1080 shall hold a separate public meeting in which the municipality shall give the public the
1081 opportunity to comment on the proposed location of the hotel.
1082 Section 4. Section **32B-1-407** is amended to read:
1083 **32B-1-407 (Effective 05/06/26). Verification of proof of age by applicable**
1084 **licensees.**
1085 (1) As used in this section, "applicable licensee" means:
1086 [~~(a) a dining club;~~]
1087 [~~(b)~~] (a) a bar;
1088 [~~(c)~~] (b) a tavern;
1089 [~~(d)~~] (c) a full-service restaurant;
1090 [~~(e)~~] (d) a limited-service restaurant;
1091 [~~(f)~~] (e) a beer-only restaurant; or
1092 [~~(g)~~] (f) an off-premise beer retailer selling, offering for sale, or furnishing beer as
1093 described in Subsection 32B-7-202(8).
1094 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
1095 that an authorized person for the applicable licensee verify proof of age as provided in
1096 this section.
1097 (3)(a) An authorized person is required to verify proof of age under this section before
1098 an individual who appears to be 35 years old or younger[~~:~~]
1099 [~~(a) gains admittance to the premises of a bar licensee or tavern;~~]
1100 [~~(b) procures an alcoholic product on the premises of a dining club licensee; or~~]
1101 [~~(c)~~] procures an alcoholic product in a dispensing area in the premises of a full-service
1102 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant
1103 licensee.
1104 (b) An authorized person is required to verify proof of age under this section before an
1105 individual:
1106 (i) gains admittance to the premises of a bar licensee or tavern; or
1107 (ii) purchases beer from an off-premise beer retailer as described in Subsection

1108 32B-7-202(8).
1109 (c) When verifying proof of age under this Subsection (3), an authorized person shall
1110 verify that:
1111 (i) the individual's age on the proof of age is at least 21 years old;
1112 (ii) the picture on the proof of age matches the individual; and
1113 (iii) if the proof of age is a driver license issued by this state, that the individual is not
1114 an interdicted person.
1115 (4) To comply with Subsection (3), an authorized person shall:
1116 (a) request that the individual present proof of age; and
1117 (b)(i) verify the validity of the proof of age electronically under the verification
1118 program created in Subsection (5); or
1119 (ii) if the proof of age cannot be electronically verified as provided in Subsection
1120 (4)(b)(i), request that the individual comply with a process established by the
1121 commission by rule.
1122 (5)[~~(a)~~] The commission shall establish by rule an electronic verification program that
1123 includes the following:
1124 [~~(i)~~] (a) the specifications for the technology used by the applicable licensee to
1125 electronically verify proof of age, including that the technology display to the person
1126 described in Subsection (2) no more than the following for the individual who
1127 presents the proof of age:
1128 [~~(A)~~] (i) the name;
1129 [~~(B)~~] (ii) the age;
1130 [~~(C)~~] (iii) the number assigned to the individual's proof of age by the issuing authority;
1131 [~~(D)~~] (iv) the birth date;
1132 [~~(E)~~] (v) the gender; and
1133 [~~(F)~~] (vi) the status and expiration date of the individual's proof of age; and
1134 [~~(ii)~~] (b) the security measures that shall be used by an applicable licensee to ensure that
1135 information obtained under this section is:
1136 [~~(A)~~] (i) used by the applicable licensee only for purposes of verifying proof of age in
1137 accordance with this section; and
1138 [~~(B)~~] (ii) retained by the applicable licensee for seven days after the day on which the
1139 applicable licensee obtains the information.
1140 [~~(b) The commission shall ensure that the electronic verification program described in~~
1141 ~~Subsection (5)(a) includes technology that recognizes every state's unique hidden~~

1142 ~~security features located on state issued identification cards to determine the validity~~
1143 ~~of that particular card.~~]
1144 (6)(a) An applicable licensee may not disclose information obtained under this section
1145 except as provided under this title.
1146 (b) Information obtained under this section is considered a record for any purpose under
1147 Chapter 5, Part 3, Retail Licensee Operational Requirements.
1148 Section 5. Section **32B-2-202** is amended to read:
1149 **32B-2-202 (Effective upon governor's approval). Powers and duties of the**
1150 **commission.**
1151 (1) The commission shall:
1152 (a) consistent with the policy established by the Legislature by statute, act as a general
1153 policymaking body on the subject of alcoholic product control;
1154 (b) adopt and issue policies, rules, and procedures;
1155 (c) set policy by written rules that establish criteria and procedures for:
1156 (i) issuing, denying, not renewing, suspending, or revoking a package agency,
1157 license, permit, or certificate of approval; and
1158 (ii) determining the location of a state store, package agency, or retail licensee;
1159 (d) decide within the limits, and under the conditions imposed by this title, the number
1160 and location of state stores, package agencies, and retail licensees in the state;
1161 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
1162 sublicenses, permits, or certificates of approval for the purchase, storage, sale, offer
1163 for sale, furnishing, consumption, manufacture, and distribution of an alcoholic
1164 product:
1165 (i) a package agency;
1166 (ii) a full-service restaurant license;
1167 (iii) a master full-service restaurant license;
1168 (iv) a limited-service restaurant license;
1169 (v) a master limited-service restaurant license;
1170 (vi) a bar establishment license;
1171 (vii) an airport lounge license;
1172 (viii) an on-premise banquet license;
1173 (ix) a resort license, which includes four or more sublicenses;
1174 (x) an on-premise beer retailer license;
1175 (xi) a reception center license;

1176 (xii) a beer-only restaurant license;
1177 (xiii) a hotel license, which includes three or more sublicenses;
1178 (xiv) an arena license, which includes three or more sublicenses;
1179 (xv) a hospitality amenity license;
1180 (xvi) subject to Subsection (5), a single event permit;
1181 (xvii) subject to Subsection (5), a temporary beer event permit;
1182 (xviii) a special use permit;
1183 (xix) a manufacturing license;
1184 (xx) a liquor warehousing license;
1185 (xxi) a beer wholesaling license;
1186 (xxii) a liquor transport license;
1187 (xxiii) an off-premise beer retailer state license;
1188 (xxiv) a master off-premise beer retailer state license;
1189 (xxv) one of the following that holds a certificate of approval:
1190 (A) an out-of-state brewer;
1191 (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
1192 (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; and
1193 (xxvi) a spa sublicense;
1194 (f) issue, deny, suspend, or revoke the following conditional licenses:
1195 (i) a conditional retail license as defined in Section 32B-5-205; and
1196 (ii) a conditional off-premise beer retailer state license as defined in Section
1197 32B-7-406;
1198 (g) prescribe the duties of the department in assisting the commission in issuing a
1199 package agency, license, permit, or certificate of approval under this title;
1200 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title
1201 in accordance with Section 63J-1-504;
1202 (i) <u>subject to Section 32B-2-213,</u> fix prices at which liquor is sold that are the same at all
1203 state stores, package agencies, and retail licensees;
1204 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
1205 class, variety, or brand of liquor kept for sale by the department;
1206 (k)(i) require the director to follow sound management principles; and
1207 (ii) require periodic reporting from the director to ensure that:
1208 (A) sound management principles are being followed; and
1209 (B) policies established by the commission are being observed;

1210 (l)(i) receive, consider, and act in a timely manner upon the reports,
1211 recommendations, and matters submitted by the director to the commission; and
1212 (ii) do the things necessary to support the department in properly performing the
1213 department's duties;
1214 (m) obtain temporarily and for special purposes the services of an expert or person
1215 engaged in the practice of a profession, or a person who possesses a needed skill if:
1216 (i) considered expedient; and
1217 (ii) approved by the governor;
1218 (n) prescribe by rule the conduct, management, and equipment of premises upon which
1219 an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
1220 (o) make rules governing the credit terms of beer sales within the state to retail
1221 licensees; and
1222 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
1223 disciplinary action against a person subject to administrative action.
1224 (2) Consistent with the policy established by the Legislature by statute, the power of the
1225 commission to do the following is plenary, except as otherwise provided by this title,
1226 and not subject to review:
1227 (a) establish a state store;
1228 (b) issue authority to act as a package agent or operate a package agency; and
1229 (c) issue, deny, or deem forfeit a license, permit, or certificate of approval.
1230 (3)(a) Subject to Subsections (3)(b) and (c), the commission may [-]make rules
1231 permitting and establishing the parameters of a late license renewal.
1232 (b) The commission may not allow for the late renewal of a license after the later of:
1233 (i) the tenth day of the month after the month in which the license type is required to
1234 be renewed; or
1235 (ii) if the tenth day of the month after the month in which the license type is required
1236 to be renewed falls on a Saturday, Sunday, or state or federal holiday, the first
1237 business day after the Saturday, Sunday, or holiday.
1238 (c) The fee for a late license renewal is $300.
1239 (4) If the commission is authorized or required to make a rule under this title, the
1240 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah
1241 Administrative Rulemaking Act.
1242 (5) Notwithstanding Subsections (1)(e)(xvi) and (xvii), the director or deputy director may
1243 issue an event permit in accordance with Chapter 9, Event Permit Act.

1244 Section 6. Section **32B-2-207** is amended to read:
1245 **32B-2-207 (Effective 05/06/26). Department employees -- Requirements.**
1246 (1) [~~"Upper~~] As used in this section, "upper management" means[~~ the director,~~] a deputy
1247 director[~~,~~] or other Schedule AD, AR, or AS employee of the department, as defined in
1248 Section 63A-17-301[~~, except for the director of internal audits and auditors hired by the~~
1249 ~~director of internal audits under Section 32B-2-302.5~~].
1250 (2)(a) Subject to this title, including the requirements of Chapter 1, Part 3, Qualifications
1251 and Background, the director may prescribe the qualifications of a department
1252 employee.
1253 (b) The director may hire an employee who is upper management only with the approval
1254 of four commissioners voting in an open meeting.
1255 (c) Except as provided in Section 32B-1-303, the [~~executive~~ ]director may dismiss an
1256 employee who is upper management after consultation with the chair of the
1257 commission.
1258 (3)(a) A person who seeks employment with the department shall file with the
1259 department an application under oath or affirmation in a form prescribed by the
1260 commission.
1261 (b) Upon receiving an application, the department shall determine whether the individual
1262 is:
1263 (i) of good moral character; and
1264 (ii) qualified for the position sought.
1265 (c) The department shall select an individual for employment or advancement with the
1266 department in accordance with Title 63A, Chapter 17, Utah State Personnel
1267 Management Act.
1268 (4) The following are not considered a department employee:
1269 (a) a package agent;
1270 (b) a licensee;
1271 (c) a staff member of a package agent; or
1272 (d) staff of a licensee.
1273 (5) The department may not employ a minor to:
1274 (a) work in:
1275 (i) a state store; or
1276 (ii) a department warehouse; or
1277 (b) engage in an activity involving the handling of an alcoholic product.

1278 (6) The department shall ensure that any training or certification required of a public
1279 official or public employee, as those terms are defined in Section 63G-22-102, complies
1280 with Title 63G, Chapter 22, State Training and Certification Requirements, if the
1281 training or certification is required:
1282 (a) under this title;
1283 (b) by the department; or
1284 (c) by an agency or division within the department.
1285 Section 7. Section **32B-2-213** is amended to read:
1286 **32B-2-213 (Effective upon governor's approval). Round up program --**
1287 **Rounding for cash transactions.**
1288 (1) The department may:
1289 (a) [-]establish a round up program under which an individual who makes a purchase at a
1290 state store may elect to round the purchase price up to the nearest dollar[.] ; and
1291 (b) if necessary to make exact change for a cash purchase of liquor at a state store, round
1292 the total price of the liquor up or down to the nearest five cents after applicable taxes
1293 are applied.
1294 (2) The department shall deposit money the department collects under Subsection [~~(1)~~] (1)(a)
1295 into the Pamela Atkinson Homeless Account created in Section 35A-16-301.
1296 (3) If necessary to make exact change for a cash purchase of liquor, a package agency, a
1297 retail licensee, or a permittee may round the total price of the liquor up or down to the
1298 nearest five cents after applicable taxes are applied.
1299 Section 8. Section **32B-2-302.5** is amended to read:
1300 **32B-2-302.5 (Effective 05/06/26). Internal audits.**
1301 (1) In accordance with Title 63I, Chapter 5, Utah Internal Audit Act, the department shall
1302 conduct various types of auditing procedures [~~determined by the commission~~ ]through
1303 an internal audit division.
1304 [~~(2)(a) The commission shall appoint an internal audit director who shall serve at the~~
1305 ~~pleasure of the commission.~~]
1306 [~~(b) The internal audit director shall hire auditors in the division with the approval of the~~
1307 ~~commission.~~]
1308 [~~(c) The internal audit director may dismiss an auditor with the approval of the~~
1309 ~~commission.~~]
1310 (2) The internal audit division:
1311 (a) is placed directly under the director of the department;

1312 (b) shall report directly to the director of the department; and
1313 (c) is responsible for:
1314 (i) conducting and verifying each internal audit and review within the department; and
1315 (ii) implementing audit procedures that meet or exceed generally accepted auditing
1316 standards.
1317 [~~(3) Notwithstanding Section 63I-5-301, the commission shall serve as the audit committee.~~]
1318 (3) The chair of the commission or the commission may:
1319 (a) propose internal auditing policies; or
1320 (b) recommend or make additions or modifications to the internal audit division's annual
1321 internal audit plan.
1322 (4) Subject to [~~the other provisions of~~ ]this section, the [~~internal audit~~ ]director of the
1323 internal audit division shall have the powers and duties described in Section 63I-5-401
1324 or any other duty prescribed by the chair of the commission or the director of the
1325 department.[ ~~The internal audit director shall oversee and materially participate in~~
1326 ~~internal audits conducted under this section.~~]
1327 (5)(a) Once an internal audit is completed, the internal audit director shall provide an
1328 internal audit report to the director, the chair of the commission, and the other
1329 commissioners.
1330 (b) Within five business days of receipt of the internal audit, the director shall prepare a
1331 written response and deliver it to the chair of the commission and the other
1332 commissioners.
1333 [~~(c) Within five business days of receipt of the director's written response under~~
1334 ~~Subsection (5)(b), the chair of the commission may prepare a separate response.~~]
1335 [~~(d) Within 12 business days of the internal audit being given to the director, chair of the~~
1336 ~~commission, and the other commissioners under Subsection (5)(a), the chair of the~~
1337 ~~commission shall forward the audit and any response to:~~]
1338 [~~(i) the governor;~~]
1339 [~~(ii) the legislative auditor general; and~~]
1340 [~~(iii) the Legislative Management Committee.~~]
1341 [~~(e)~~] (c) Within 120 calendar days [~~of~~] after the day on which the director of the
1342 department receives an internal audit under Subsection (5)(a),[~~being completed,~~] the [
1343 ~~commission~~] director of the department shall prepare a report to the [~~governor~~] chair
1344 of the commission and other commissioners describing:
1345 (i) [~~-~~]steps taken to implement the recommendations of the internal audit; or

(ii) [-]a detailed explanation of why recommendations have not been implemented.[ ~~The chair of the commission shall forward the report to:~~]

[~~(i) the legislative auditor general; and~~]

[~~(ii) the Legislative Management Committee.~~]

(d) After receiving a response or report under this Subsection (5), the chair of the commission or the commission may request that the director of the department or the director of the internal audit division provide additional information regarding the audit findings.

(e) The director of the department shall make a response or report described in Subsections (5)(a) through (c) available to the following upon request:

(i) the governor;

(ii) the legislative auditor general; and

(iii) the Legislative Management Committee.

[~~(f) The chair of the commission shall make such other reports as the governor requests.~~]

Section 9. Section **32B-2-304** is amended to read:

**32B-2-304 (Effective upon governor's approval). Liquor price -- Remittance of markup -- School lunch program.**

(1) For purposes of this section:

(a)(i) "Landed case cost" means the sum of:

(A) the cost of the product;

(B) inbound shipping costs the department incurs; and

(C) case handling costs the department incurs.

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

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

(2) Except as provided in Subsections (3)[~~ and~~] , (4), and (7):

(a) spirituous liquor sold by the department within the state shall be marked up in an amount not less than 88.5% above the landed case cost to the department;

(b) wine sold by the department within the state shall be marked up in an amount not less than 88.5% above the landed case cost to the department;

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

(d) a flavored malt beverage sold by the department within the state shall be marked up in an amount not less than 88.5% above the landed case cost to the department.

1380 (3)(a) Liquor sold by the department to a military installation in Utah shall be marked up
1381 in an amount not less than 17% above the landed case cost to the department.
1382 (b) Except for spirituous liquor sold by the department to a military installation in Utah,
1383 spirituous liquor that is sold by the department within the state shall be marked up
1384 49% above the landed case cost to the department if:
1385 (i) the spirituous liquor is manufactured by a manufacturer producing less than
1386 30,000 proof gallons of spirituous liquor in a calendar year; and
1387 (ii) the manufacturer applies to the department for a reduced markup.
1388 (c) Except for wine sold by the department to a military installation in Utah, wine that is
1389 sold by the department within the state shall be marked up 49% above the landed
1390 case cost to the department if:
1391 (i)(A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a
1392 manufacturer producing less than 20,000 gallons of wine in a calendar year; or
1393 (B) for hard cider, the hard cider is manufactured by a manufacturer producing
1394 less than 620,000 gallons of hard cider in a calendar year; and
1395 (ii) the manufacturer applies to the department for a reduced markup.
1396 (d) Except for heavy beer sold by the department to a military installation in Utah, heavy
1397 beer that is sold by the department within the state shall be marked up 32% above the
1398 landed case cost to the department if:
1399 (i) a small brewer manufactures the heavy beer; and
1400 (ii) the small brewer applies to the department for a reduced markup.
1401 (e) The department shall:
1402 (i) for purposes of Subsections (3)(b) and (c), calculate the production amount of a
1403 manufacturer:
1404 (A) by, if the manufacturer is part of a controlled group of manufacturers,
1405 including the combined volume totals of spirituous liquor, wine, or cider, as
1406 applicable, for all manufacturers that constitute the controlled group of
1407 manufacturers; and
1408 (B) without considering the manufacturer's production of any other type of
1409 alcoholic product; and
1410 (ii) verify that a manufacturer meets a production amount described in Subsection
1411 (3)(b) or (c) and the production amount of a small brewer under a federal or other
1412 verifiable production report.
1413 (f) A manufacturer seeking to obtain a reduced markup under Subsection (3)(b), (c), or

1414 (d), shall provide to the department any documentation or information the department
1415 determines necessary to determine if the manufacturer is part of a controlled group of
1416 manufacturers.
1417 (g) The department may, at any time, revoke a reduced markup granted to a
1418 manufacturer under Subsection (3)(b), (c), or (d), if the department determines the
1419 manufacturer no longer qualifies for the reduced markup.
1420 (4) Wine the department purchases on behalf of a subscriber through the wine subscription
1421 program established in Section 32B-2-702 shall be marked up not less than 88.5% above
1422 the cost of the subscription for the interval in which the wine is purchased.
1423 (5) The department shall deposit 10% of the total gross revenue from sales of liquor with
1424 the state treasurer to be credited to the Uniform School Fund and used to support the
1425 school meals program administered by the State Board of Education under Section
1426 53E-3-510.
1427 (6)(a) Each month, the department shall collect from each package agency located at a
1428 manufacturing facility owned or operated by a person licensed under Chapter 11,
1429 Manufacturing and Related Licenses Act, 12.295% of the package agency's reported
1430 monthly revenue and deposit the money as follows:
1431 (i) 1.695% of the reported monthly revenue into the Alcoholic Beverage Control Act
1432 Enforcement Fund;
1433 (ii) 10% of the reported monthly revenue into the Uniform School Fund and used to
1434 support the school meals program administered by the State Board of Education
1435 under Section 53E-3-510; and
1436 (iii) 0.60% of the reported monthly revenue into the Underage Drinking Prevention
1437 Media and Education Campaign Restricted Account.
1438 (b) The department may collect a fee established in accordance with Section 63J-1-504
1439 from a package agency described in this subsection to cover the costs of regulation.
1440 (7) This section does not prohibit the department from:
1441 (a) [-]selling discontinued items at a discount[.] ; or
1442 (b) rounding the price of liquor in accordance with Section 32B-2-213.
1443 (8) The Legislature shall annually appropriate to support substance use disorder treatment
1444 services, an amount equal to the revenue generated from a 0.5% markup above the
1445 landed case cost to the department on spirituous liquor.
1446 Section 10. Section **32B-2-503** is amended to read:
1447 **32B-2-503 (Effective upon governor's approval). Operational requirements for a**

1448 **state store.**
1449 (1)(a) A state store shall display in a prominent place in the store a sign in large letters
1450 that consists of text in the following order:
1451 (i) a header that reads: "WARNING";
1452 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
1453 can cause birth defects and permanent brain damage for the child.";
1454 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
1455 Human Services at [insert most current toll-free number] with questions or for
1456 more information.";
1457 (iv) a header that reads: "WARNING"; and
1458 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
1459 a serious crime that is prosecuted aggressively in Utah."
1460 (b)(i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different
1461 font style than the text described in Subsections (1)(a)(iv) and (v).
1462 (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the
1463 same font size.
1464 (c) The Department of Health and Human Services shall work with the commission and
1465 department to facilitate consistency in the format of a sign required under this section.
1466 (2) [~~A~~] Except as provided in Section 32B-2-213, a state store [~~may not~~] shall sell, offer for
1467 sale, or furnish liquor [~~except~~ ]at a price fixed by the commission.
1468 (3) A state store may not sell, offer for sale, or furnish liquor to:
1469 (a) a minor;
1470 (b) a person actually, apparently, or obviously intoxicated;
1471 (c) a known interdicted person; or
1472 (d) a known habitual drunkard.
1473 (4)(a) A state store employee may not:
1474 (i) consume an alcoholic product on the premises of a state store; or
1475 (ii) allow any person to consume an alcoholic product on the premises of a state store.
1476 (b) A violation of this Subsection (4) is a class B misdemeanor.
1477 (5)(a) Sale or delivery of liquor may not be made on or from the premises of a state
1478 store, and a state store may not be kept open for the sale of liquor:
1479 (i) on Sunday; or
1480 (ii) on a state or federal legal holiday.
1481 (b) Sale or delivery of liquor may be made on or from the premises of a state store, and a

1482 state store may be open for the sale of liquor, only on a day and during hours that the
1483 commission directs by rule or order.
1484 (6)(a) A minor may not be admitted into, or be on the premises of, a state store unless
1485 accompanied by a person who is:
1486 (i) 21 years [~~of age~~] old or older; and
1487 (ii) the minor's parent, legal guardian, or spouse.
1488 (b) A state store employee that has reason to believe that a person who is on the
1489 premises of a state store is under [~~the age of 21~~] 21 years old and is not accompanied
1490 by a person described in Subsection (6)(a) may:
1491 (i) ask the suspected minor for proof of age;
1492 (ii) ask the person who accompanies the suspected minor for proof of age; and
1493 (iii) ask the suspected minor or the person who accompanies the suspected minor for
1494 proof of parental, guardianship, or spousal relationship.
1495 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the
1496 person who accompanies the suspected minor into the state store if the suspected
1497 minor or person fails to provide information specified in Subsection (6)(b).
1498 (d) A state store employee shall require a suspected minor and the person who
1499 accompanies the suspected minor into the state store to immediately leave the
1500 premises of the state store if the suspected minor or person fails to provide
1501 information specified in Subsection (6)(b).
1502 (7)(a) A state store may not sell, offer for sale, or furnish liquor except in a sealed
1503 container.
1504 (b) A person may not open a sealed container on the premises of a state store.
1505 (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish heavy
1506 beer in a sealed container that exceeds two liters.
1507 (9) A state store may not sell, offer for sale, or furnish:
1508 (a) liquor that is intended to be frozen and consumed in a manner other than as a
1509 beverage, including liquor in the form of a freeze pop, popsicle, ice cream, or sorbet;
1510 or
1511 (b) liquor that contains more than 80% alcohol by volume.
1512 Section 11. Section **32B-2-605** is amended to read:
1513 **32B-2-605 (Effective upon governor's approval). Operational requirements for**
1514 **package agency.**
1515 (1)(a) A person may not operate a package agency until a package agency agreement is

1516 entered into by the package agent and the department.
1517 (b) A package agency agreement shall state the conditions of operation by which the
1518 package agent and the department are bound.
1519 (c)(i) If a package agent or staff of the package agent violates this title, rules under
1520 this title, or the package agency agreement, the department may take any action
1521 against the package agent that is allowed by the package agency agreement.
1522 (ii) An action against a package agent is governed solely by its package agency
1523 agreement and may include suspension or revocation of the package agency.
1524 (iii) A package agency agreement shall provide procedures to be followed if a
1525 package agent fails to pay money owed to the department including a procedure
1526 for replacing the package agent or operator of the package agency.
1527 (iv) A package agency agreement shall provide that the package agency is subject to
1528 covert investigations for selling an alcoholic product to a minor.
1529 (v) Notwithstanding that this part refers to "package agency" or "package agent,"
1530 staff of the package agency or package agent is subject to the same requirement or
1531 prohibition.
1532 (2)(a) A package agency shall be operated by an individual who is either:
1533 (i) the package agent; or
1534 (ii) an individual designated by the package agent.
1535 (b) An individual who is a designee under this Subsection (2) shall be:
1536 (i) an employee of the package agent; and
1537 (ii) responsible for the operation of the package agency.
1538 (c) The conduct of the designee is attributable to the package agent.
1539 (d) A package agent shall submit the name of the person operating the package agency
1540 to the department for the department's approval.
1541 (e) A package agent shall state the name and title of a designee on the application for a
1542 package agency.
1543 (f) A package agent shall:
1544 (i) inform the department of a proposed change in the individual designated to
1545 operate a package agency; and
1546 (ii) receive prior approval from the department before implementing the change
1547 described in this Subsection (2)(f).
1548 (g) Failure to comply with the requirements of this Subsection (2) may result in the
1549 immediate termination of a package agency agreement.

1550 (3)(a) A package agent shall display in a prominent place in the package agency the
1551 record issued by the commission that designates the package agency.
1552 (b) A package agent that displays or stores liquor at a location visible to the public shall
1553 display in a prominent place in the package agency a sign in large letters that consists
1554 of text in the following order:
1555 (i) a header that reads: "WARNING";
1556 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
1557 can cause birth defects and permanent brain damage for the child.";
1558 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
1559 Human Services at [insert most current toll-free number] with questions or for
1560 more information.";
1561 (iv) a header that reads: "WARNING"; and
1562 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
1563 a serious crime that is prosecuted aggressively in Utah."
1564 (c)(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
1565 font style than the text described in Subsections (3)(b)(iv) and (v).
1566 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
1567 same font size.
1568 (d) The Department of Health and Human Services shall work with the commission and
1569 department to facilitate consistency in the format of a sign required under this section.
1570 (4) A package agency may not display liquor or a price list in a window or showcase that is
1571 visible to passersby.
1572 (5)(a) A package agency may not purchase liquor from a person except from the
1573 department.
1574 (b) At the discretion of the department, the department may provide liquor to a package
1575 agency for sale on consignment.
1576 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place other
1577 than as designated in the package agent's application, unless the package agent first
1578 applies for and receives approval from the department for a change of location within
1579 the package agency premises.
1580 (7)(a) Except as provided in Subsection (7)(b) and Section 32B-2-213, a package agency [
1581 ~~may not~~] shall sell, offer for sale, or furnish liquor [~~except~~ ]at a price fixed by the
1582 commission.
1583 (b) A package agency may provide as room service one alcoholic product free of charge

1584 per guest reservation, per guest room, if:
1585 (i) the package agency is the type of package agency that authorizes the package
1586 agency to sell, offer for sale, or furnish an alcoholic product as part of room
1587 service;
1588 (ii) staff of the package agency provides the alcoholic product:
1589 (A) in person; and
1590 (B) only to an adult guest in the guest room;
1591 (iii) staff of the package agency does not leave the alcoholic product outside a guest
1592 room for retrieval by a guest; and
1593 (iv) the alcoholic product:
1594 (A) is not a spirituous liquor; and
1595 (B) is in an unopened container not to exceed 750 milliliters.
1596 (8) A package agency may not sell, offer for sale, or furnish liquor to:
1597 (a) a minor;
1598 (b) a person actually, apparently, or obviously intoxicated;
1599 (c) a known interdicted person; or
1600 (d) a known habitual drunkard.
1601 (9)(a) A package agency may not employ a minor to handle liquor.
1602 (b)(i) Staff of a package agency may not:
1603 (A) consume an alcoholic product on the premises of a package agency; or
1604 (B) allow any person to consume an alcoholic product on the premises of a
1605 package agency.
1606 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.
1607 (10)(a) A package agency may not close or cease operation for a period longer than 72
1608 hours, unless:
1609 (i) the package agency notifies the department in writing at least seven days before
1610 the day on which the package agency closes or ceases operation; and
1611 (ii) the closure or cessation of operation is first approved by the department.
1612 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package
1613 agency shall immediately notify the department by telephone.
1614 (c)(i) The department may authorize a closure or cessation of operation for a period
1615 not to exceed 60 days.
1616 (ii) The department may extend the initial period described in Subsection (10)(c)(i)
1617 an additional 30 days upon written request of the package agency and upon a

1618 showing of good cause.
1619 (iii) A closure or cessation of operation may not exceed a total of 90 days without
1620 commission approval.
1621 (d) The notice required by Subsection (10)(a) shall include:
1622 (i) the dates of closure or cessation of operation;
1623 (ii) the reason for the closure or cessation of operation; and
1624 (iii) the date on which the package agency will reopen or resume operation.
1625 (e) Failure of a package agency to provide notice and to obtain department authorization
1626 before closure or cessation of operation results in an automatic termination of the
1627 package agency agreement effective immediately.
1628 (f) Failure of a package agency to reopen or resume operation by the approved date
1629 results in an automatic termination of the package agency agreement effective on that
1630 date.
1631 (11) A package agency may not transfer the package agency's operations from one location
1632 to another location without prior written approval of the commission.
1633 (12)(a) A person, having been issued a package agency, may not sell, transfer, assign,
1634 exchange, barter, give, or attempt in any way to dispose of the package agency to
1635 another person, whether for monetary gain or not.
1636 (b) A package agency has no monetary value for any type of disposition.
1637 (13)(a) Subject to the other provisions of this Subsection (13):
1638 (i) sale or delivery of liquor may not be made on or from the premises of a package
1639 agency, and a package agency may not be kept open for the sale of liquor:
1640 (A) on Sunday; or
1641 (B) on a state or federal legal holiday; and
1642 (ii) sale or delivery of liquor may be made on or from the premises of a package
1643 agency, and a package agency may be open for the sale of liquor, only on a day
1644 and during hours that the commission directs by rule or order.
1645 (b) A package agency located at a manufacturing facility is not subject to Subsection
1646 (13)(a) if:
1647 (i) the package agency is located at a manufacturing facility licensed in accordance
1648 with Chapter 11, Manufacturing and Related Licenses Act; and
1649 (ii) the package agency only sells an alcoholic product produced at the manufacturing
1650 facility.
1651 (c)(i) Subsection (13)(a) does not apply to a package agency held by the following if

1652 the package agent that holds the package agency to sell liquor at a resort or hotel
1653 does not sell liquor in a manner similar to a state store:
1654 (A) a resort licensee; or
1655 (B) a hotel licensee.
1656 (ii) The commission may by rule define what constitutes a package agency that sells
1657 liquor "in a manner similar to a state store."
1658 (14)(a) Except to the extent authorized by commission rule, a minor may not be
1659 admitted into, or be on the premises of, a package agency unless accompanied by a
1660 person who is:
1661 (i) 21 years old or older; and
1662 (ii) the minor's parent, legal guardian, or spouse.
1663 (b) A package agent or staff of a package agency that has reason to believe that a person
1664 who is on the premises of a package agency is under 21 years old and is not
1665 accompanied by a person described in Subsection (14)(a) may:
1666 (i) ask the suspected minor for proof of age;
1667 (ii) ask the person who accompanies the suspected minor for proof of age; and
1668 (iii) ask the suspected minor or the person who accompanies the suspected minor for
1669 proof of parental, guardianship, or spousal relationship.
1670 (c) A package agent or staff of a package agency shall refuse to sell liquor to the
1671 suspected minor and to the person who accompanies the suspected minor into the
1672 package agency if the minor or person fails to provide any information specified in
1673 Subsection (14)(b).
1674 (d) A package agent or staff of a package agency shall require the suspected minor and
1675 the person who accompanies the suspected minor into the package agency to
1676 immediately leave the premises of the package agency if the minor or person fails to
1677 provide information specified in Subsection (14)(b).
1678 (15)(a) A package agency shall sell, offer for sale, or furnish liquor in a sealed container.
1679 (b) A person may not open a sealed container on the premises of a package agency.
1680 (c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or
1681 furnish liquor in other than a sealed container:
1682 (i) if the package agency is the type of package agency that authorizes the package
1683 agency to sell, offer for sale, or furnish the liquor as part of room service;
1684 (ii) if the liquor is sold, offered for sale, or furnished as part of room service; and
1685 (iii) subject to:

1686 (A) staff of the package agency providing the liquor in person only to an adult
1687 guest in the guest room or privately owned dwelling unit;
1688 (B) staff of the package agency not leaving the liquor outside a guest room or
1689 privately owned dwelling unit for retrieval by a guest or resident; and
1690 (C) the same limits on the portions in which an alcoholic product may be sold by a
1691 retail licensee under Section 32B-5-304.
1692 (16) A package agency may not sell, offer for sale, or furnish:
1693 (a) heavy beer in a sealed container that exceeds two liters; or
1694 (b) liquor that contains more than 80% alcohol by volume.
1695 (17) The department may pay or otherwise remunerate a package agent on any basis,
1696 including sales or volume of business done by the package agency.
1697 (18) The commission may prescribe by policy or rule general operational requirements of a
1698 package agency that are consistent with this title and relate to:
1699 (a) physical facilities;
1700 (b) conditions of operation;
1701 (c) hours of operation;
1702 (d) inventory levels;
1703 (e) payment schedules;
1704 (f) methods of payment;
1705 (g) premises security; and
1706 (h) any other matter considered appropriate by the commission.
1707 (19) A package agency may not maintain a minibar.
1708 Section 12. Section **32B-3-203** is amended to read:
1709 **32B-3-203 (Effective 05/06/26). Initiating a disciplinary proceeding.**
1710 Subject to Section 32B-3-202:
1711 (1) Subject to Subsection (3), the department shall initiate a disciplinary proceeding
1712 described in Subsection (2) if the department:
1713 (a) receives a report from an investigator alleging that a person subject to administrative
1714 action violated this title or the rules of the commission;
1715 (b) receives notice of criminal proceedings against a person subject to administrative
1716 action on the basis of an alleged violation of this title;
1717 (c) receives notice of civil proceedings in accordance with Chapter 15, Alcoholic
1718 Product Liability Act, against a person subject to administrative action on the basis of
1719 an alleged violation of this title; or

1720 (d) otherwise becomes aware that a person subject to administrative action on the basis
1721 of an alleged violation of this title may have violated this title or commission rule.
1722 (2) Subject to Subsection (3), if a condition in Subsection (1) is met, the department shall:
1723 (a) initiate a disciplinary proceeding to determine:
1724 (i) whether a person subject to administrative action violated this title or rules of the
1725 commission; and
1726 (ii) if a violation is found, the appropriate sanction to be imposed; and
1727 (b) refer the matter to the State Bureau of Investigation, created in Section 53-10-301.
1728 (3) The department is not required to initiate a disciplinary proceeding described in
1729 Subsection (2) if after reviewing the information described in Subsection (1), the
1730 department determines:
1731 (a) that there is no basis for initiating a disciplinary proceeding; or
1732 (b) in consultation with the prosecutor, law enforcement, or plaintiff's counsel, as
1733 applicable, that initiating a disciplinary proceeding would pose a significant risk of
1734 interfering with a criminal or civil proceeding.
1735 (4)(a) Unless waived by the respondent, a disciplinary proceeding shall be held:
1736 (i) if required by law;
1737 (ii) before revoking or suspending a license, permit, or certificate of approval issued
1738 under this title; or
1739 (iii) before imposing a fine against a person subject to administrative action.
1740 (b) Inexcusable failure of a respondent to appear at a scheduled disciplinary proceeding
1741 hearing after receiving proper notice is an admission of the charged violation.
1742 (c) The validity of a disciplinary proceeding is not affected by the failure of a person to
1743 attend or remain in attendance.
1744 Section 13. Section **32B-4-403** is amended to read:
1745 **32B-4-403 (Effective 05/06/26). Unlawful sale, offer for sale, or furnishing to**
1746 **minor.**
1747 (1) **Ĥ→ [~~A~~] Except as provided in Subsection (3), a ←Ĥ** person may not **Ĥ→ knowingly ←Ĥ**
1747a sell, offer for sale, or furnish an alcoholic product to a minor.
1748 **Ĥ→ [~~(2)~~ ←Ĥ** ~~(a)(i)~~ **Ĥ→ ~~Except as provided in Subsection (3), a person is guilty of a class [~~**
1748a **~~B]~~A**
1749 **~~misdemeanor if:[ the person who violates Subsection (1)~~**
1749a **~~negligently or recklessly ]~~**
1750 **[~~fails to determine whether the recipient of the alcoholic product is a minor.]~~]**

1751 [~~(a)~~ ~~the person who violates Subsection (1) negligently or recklessly fails to determine~~
] ←Ĥ
1752 Ĥ→ [~~whether the recipient of the alcoholic product is a minor; or~~]
1753 [~~(b)~~ ~~the person who violates Subsection (1) knows the recipient of the alcoholic product~~
] ←Ĥ
1754 Ĥ→ [~~is a minor.~~] ←Ĥ
1755 [~~(ii)~~ Ĥ→ ~~(c)~~ ~~As used in this Subsection [(2)(a)](2),~~
1755a ~~"negligently" means with simple~~
1756 ~~negligence.~~] ←Ĥ
1757 [~~(b)~~ Ĥ→ ~~[Except as provided in Subsection (3), a person is guilty of a class A misdemeanor~~
1757a ~~if~~ ]
1758 ~~[the person who violates Subsection (1) knows the recipient of the alcoholic product~~
1758a ~~is~~ ]
1759 ~~[a minor.]~~]
1759a (2) A violation of Subsection (1) is a class A misdemeanor. ←Ĥ
1760 (3) This section does not apply to the furnishing of an alcoholic product to a minor in
1761 accordance with this title:
1762 (a) for medicinal purposes by:
1763 (i) the parent or guardian of the minor; or
1764 (ii) the health care practitioner of the minor, if the health care practitioner is
1765 authorized by law to write a prescription; or
1766 (b) as part of a religious organization's religious services.
1767 Section 14. Section **32B-4-405** is amended to read:
1768 **32B-4-405 (Effective 05/06/26). Unlawful sale, offer for sale, or furnishing to**
1769 **interdicted person.**
1770 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
1771 interdicted person.
1772 [~~(2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the~~
1773 ~~person is an interdicted person through examination of the person's identification card or~~
1774 ~~license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or~~
1775 ~~proof of age issued by another state or country.~~]
1776 [~~(3)~~] (2) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
1777 product to an interdicted person:

1778 (a) under an order of a health care practitioner who is authorized by law to write a
1779 prescription; or
1780 (b) administered by a hospital or health care practitioner authorized by law to administer
1781 the alcoholic product for medicinal purposes.
1782 Section 15. Section **32B-5-201** is amended to read:
1783 **32B-5-201 (Effective 05/06/26). Application requirements for retail license.**
1784 (1)(a) Before a person may store, sell, offer for sale, furnish, or permit consumption of
1785 an alcoholic product on licensed premises as a retail licensee, the person shall first
1786 obtain a retail license issued by the commission, notwithstanding whether the person
1787 holds a local license or a permit issued by a local authority.
1788 (b) Violation of this Subsection (1) is a class B misdemeanor.
1789 (2) To obtain a retail license under this title, a person shall submit to the department:
1790 (a) a written application in a form prescribed by the department;
1791 (b) a nonrefundable application fee in the amount specified in the relevant chapter or
1792 part for the type of retail license for which the person is applying;
1793 (c) an initial license fee:
1794 (i) in the amount specified in the relevant chapter or part for the type of retail license
1795 for which the person is applying; and
1796 (ii) that is refundable if a retail license is not issued;
1797 (d) written consent of the local authority, including, if applicable, consent for each
1798 proposed sublicense;
1799 (e) a copy of:
1800 (i) every license the local authority requires, including the person's current business
1801 license; and
1802 (ii) if the person is applying for a principal license, the current business license for
1803 each proposed sublicense, except if the local authority determines that the
1804 business license for a proposed sublicense is included in the person's current
1805 business license;
1806 (f) evidence of the proposed retail licensee's proximity to any community location, with
1807 proximity requirements being governed by Section 32B-1-202;
1808 (g) a bond as specified by Section 32B-5-204;
1809 (h) a floor plan, and boundary map where applicable, of the premises of the retail license
1810 and each, if any, accompanying sublicense, including any:
1811 (i) consumption area; and

1812 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
1813 beverage;
1814 (i) evidence that the retail licensee carries public liability insurance in an amount and
1815 form satisfactory to the department;
1816 (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
1817 (i) $1,000,000 per occurrence and $2,000,000 in the aggregate;
1818 (ii) if the retail licensee is a hotel licensee or a resort licensee, $1,000,000 per
1819 occurrence and $2,000,000 in the aggregate to cover both the principal license and
1820 all accompanying sublicenses; or
1821 (iii) if the retail licensee is an arena licensee, $10,000,000 per occurrence and
1822 $20,000,000 in the aggregate to cover both the arena license and all accompanying
1823 sublicenses;
1824 (k) a signed consent form stating that the retail licensee will permit any authorized
1825 representative of the commission, department, or any law enforcement officer to have
1826 unrestricted right to enter:
1827 (i) the premises of the retail licensee; and
1828 (ii) if applicable, the premises of each of the retail licensee's accompanying
1829 sublicenses;
1830 (l) if the person is an entity, proper verification evidencing that a person who signs the
1831 application is authorized to sign on behalf of the entity;
1832 (m) a responsible alcohol service plan;
1833 (n) evidence that each individual the person has hired to work as a retail manager, as
1834 defined in Section 32B-1-701, has completed the alcohol training and education
1835 seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and
1836 (o) any other information the commission or department may require.
1837 (3) The commission may not issue a retail license to a person who:
1838 (a) is disqualified under Section 32B-1-304; or
1839 (b) is not lawfully present in the United States.
1840 (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for
1841 which the person is applying, the commission may not issue a retail license to a person if
1842 the proposed licensed premises does not meet the proximity requirements of Section
1843 32B-1-202.
1844 (5) Subject to Subsection (6), the commission may not deny an application for a retail
1845 license, an application for a conditional retail license under Section 32B-5-205, or an

application for a sublicense under Chapter 8d, Sublicense Act, if:

(a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail License Act; and

(b) for a retail license or a conditional retail license, granting the retail license or the conditional retail license would not cause the commission to exceed the maximum number of licenses of that retail license type that the commission is authorized to issue under this chapter.

(6)(a) The commission may deny an application for a retail license, an application for a conditional retail license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense Act, if the commission determines:

(i) [-]that the applicant's violation history warrants the denial[.] ; or

(ii) after considering a factor described in Subsections 32B-5-203(2)(c) through (f) or (3), a denial of the application is warranted.

(b) The commission, when making a determination under this Subsection (6), shall:

(i) [-]treat applicants with substantially similar violation histories consistently[.] ; and

(ii) consider the factors described in Subsections 32B-5-203(2)(c) through (f) or (3) consistently.

Section 16. Section **32B-5-303** is amended to read:

**32B-5-303 (Effective 05/06/26). Purchase and storage of an alcoholic product by a retail licensee.**

(1)(a) A retail licensee may not purchase liquor except from a state store or package agency.

(b) A retail licensee may transport liquor purchased from a state store or package agency from the place of purchase to the licensed premises.

(c) A retail licensee shall pay for liquor in accordance with rules [~~established by~~ ]the commission establishes.

(2)(a)(i) A retail licensee may not purchase, acquire, possess for the purpose of resale, or sell beer except beer that the retail licensee purchases from:

(A) a beer wholesaler licensee; or

(B) a small brewer that manufactures the beer.

(ii) [~~Violation~~] A violation of this Subsection (2)(a) is a class A misdemeanor.

(b)(i) If a retail licensee purchases beer under Subsection (2)(a) from a beer wholesaler licensee, the retail licensee shall purchase beer only from a beer wholesaler licensee that the manufacturer designates[~~who is designated by the~~

~~manufacturer~~] to sell beer in the geographical area in which the retail licensee is located, unless the department authorizes an alternate wholesaler [~~is authorized by the department~~ ]to sell to the retail licensee as provided in Section 32B-13-301.

(ii) [~~Violation~~] A violation of Subsection (2)(b) is a class B misdemeanor.

(3) A retail licensee may not store, sell, offer for sale, or furnish an alcoholic product in a place other than as designated in the retail licensee's application, unless the retail licensee first applies for and receives approval from the department for a change of location within the licensed premises.

[~~(4) A liquor storage area shall remain locked at all times except when:~~]

[~~(a) liquor sales are authorized by law; or~~]

[~~(b) the licensee:~~]

[~~(i) inventories or restocks the alcoholic product in the liquor storage area; or~~]

[~~(ii) repairs or cleans the liquor storage area.~~]

Section 17. Section **32B-5-304** is amended to read:

**32B-5-304 (Effective upon governor's approval). Portions in which alcoholic product may be sold.**

(1)(a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title.

(b) A retail license is not required to dispense spirituous liquor through a calibrated metered dispensing system if the spirituous liquor is:

(i) a secondary flavoring ingredient;

(ii) used as a flavoring on a dessert;

(iii) used to set aflame a food dish, drink, or dessert;

(iv) in a beverage that:

(A) is served to a patron in the original[~~, sealed~~] container;

(B) is not more than 12 ounces;

(C) contains no more than 10% alcohol by volume or 8% by weight; and

(D) is in a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high; or

(v) in a beverage that:

(A) is served to a patron by pouring the beverage from the original sealed container, into a different container as required under Subsection

1914 32B-8d-104(5)(b);
1915 (B) is not more than 12 ounces;
1916 (C) contains no more than 10% alcohol by volume or 8% by weight; and
1917 (D) originates from a container that has the alcohol by volume percentage on the
1918 front label and in a font that measures at least three millimeters high.
1919 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring
1920 ingredient shall:
1921 (i) designate a location where the retail licensee stores secondary flavoring
1922 ingredients on the floor plan the retail licensee submits to the department; and
1923 (ii) clearly and conspicuously label each secondary flavoring ingredient's container [
1924 ~~"flavorings".~~] "flavorings."
1925 (d)(i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.
1926 (ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection
1927 (1)(b)(iv).
1928 (2)(a)(i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
1929 individual portion that does not exceed 5 ounces per glass or individual portion.
1930 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine
1931 to a patron in more than one glass if the total amount of wine does not exceed 5
1932 ounces.
1933 (b)(i) [~~A~~] Except as provided in Subsection (6), a retail licensee may sell, offer for
1934 sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the
1935 commission to a table of four or more persons.
1936 (ii) [~~A~~] Except as provided in Subsection (6), a retail licensee may sell, offer for sale,
1937 or furnish wine in a container not to exceed 750 milliliters at a price fixed by the
1938 commission to a table of less than four persons.
1939 (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale,
1940 or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed
1941 container not to exceed 16 ounces.
1942 (3)(a) [~~A~~] Except as provided in Subsection (6), a retail licensee may sell, offer for sale,
1943 or furnish heavy beer in an original container at a price fixed by the commission,
1944 except that the original container may not exceed one liter.
1945 (4) [~~A~~] Except as provided in Subsection (6), a retail licensee may sell, offer for sale, or
1946 furnish a flavored malt beverage in an original container at a price fixed by the
1947 commission, except that the original container may not exceed one liter.

1948 (5)(a)(i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or
1949 furnish beer for on-premise consumption:
1950 (A) in an open original container; and
1951 (B) in a container on draft.
1952 (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection
1953 (5)(a)(i):
1954 (A) in a size of container that exceeds two liters; or
1955 (B) to an individual patron in a size of container that exceeds one liter.
1956 (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise consumption:
1957 (i) in a sealed container; and
1958 (ii) in a size of container that does not exceed two liters.
1959 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual
1960 patron if the total amount of beer does not exceed 16 ounces.
1961 (6) This section does not prohibit a retail licensee from rounding the price of liquor in
1962 accordance with Section 32B-2-213.
1963 Section 18. Section **32B-5-305** is amended to read:
1964 **32B-5-305 (Effective upon governor's approval). Pricing of alcoholic product --**
1965 **Other charge.**
1966 (1)[~~(a)~~ ~~A~~] Except as provided in Section 32B-2-213, a retail licensee:
1967 (a) [~~-~~]may sell, offer for sale, or furnish liquor only at a price fixed by the commission[~~.~~] ;
1968 and
1969 (b) [~~A retail licensee~~ ]may not sell an alcoholic product at a discount price on any date
1970 or at any time.
1971 (2)(a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at less
1972 than the cost of the alcoholic product to the retail licensee.
1973 (b) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a
1974 special or reduced price that encourages overconsumption or intoxication.
1975 (c) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a
1976 special or reduced price for only certain hours of the retail licensee's business day,
1977 such as a "happy hour."
1978 (d) A retail licensee may not sell, offer for sale, or furnish more than one alcoholic
1979 product for the price of a single alcoholic product.
1980 (e) A retail licensee may not sell, offer for sale, or furnish an indefinite or unlimited
1981 number of alcoholic products during a set period for a fixed price.

1982 (f) A retail licensee may not engage in a promotion involving or offering a free alcoholic
1983 product to the general public.
1984 (3) As authorized by commission rule, a retail licensee may charge a patron for providing:
1985 (a) a service related to liquor purchased at the licensed premises; or
1986 (b) wine service performed for wine carried in by a patron in accordance with Section
1987 32B-5-307.
1988 Section 19. Section **32B-5-306** is amended to read:
1989 **32B-5-306 (Effective 05/06/26). Purchasing or selling alcoholic product.**
1990 (1)[~~(a)~~] A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:
1991 [~~(i)~~] (a) a minor;
1992 [~~(ii)~~] (b) a person actually, apparently, or obviously intoxicated;
1993 [~~(iii)~~] (c) a known interdicted person; or
1994 [~~(iv)~~] (d) a known habitual drunkard.
1995 [~~(b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify~~
1996 ~~whether the person is a minor or an interdicted person through examination of the~~
1997 ~~person's identification card or license certificate issued pursuant to Title 53, Chapter~~
1998 ~~3, Uniform Driver License Act, or proof of age issued by another state or country.~~]
1999 (2)(a) A patron may only purchase an alcoholic product in the licensed premises of a
2000 retail licensee from and be served by an individual who is:
2001 (i) staff of the retail licensee; and
2002 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
2003 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only
2004 if the individual is:
2005 (i) staff of the retail licensee; and
2006 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
2007 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from
2008 staff of the retail licensee or carries bottled wine onto the retail licensee's premises [
2009 ~~pursuant to~~] in accordance with Section 32B-5-307 may thereafter serve wine from
2010 the bottle to the patron or others at the patron's table.
2011 (3) The following may not purchase an alcoholic product for a patron:
2012 (a) a retail licensee; or
2013 (b) staff of a retail licensee.
2014 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the
2015 retail licensee may transfer the retail licensee's inventory of alcoholic product from that

2016 premises to another premises licensed under this chapter that is owned by the same retail
2017 licensee.
2018 Section 20. Section **32B-5-307** is amended to read:
2019 **32B-5-307 (Effective 05/06/26). Bringing alcoholic product onto or removing**
2020 **alcoholic product from premises.**
2021 (1) Except as provided in Subsections (3), (4), [~~and~~ ](6), and (7):
2022 (a) an individual may not bring onto the licensed premises of a retail licensee an
2023 alcoholic product for on-premise consumption;
2024 (b) a retail licensee may not allow a person to:
2025 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or
2026 (ii) consume an alcoholic product brought onto the licensed premises by a person
2027 other than the retail licensee; and
2028 (c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through a
2029 window or door to a location off the licensed premises or to a vehicular traffic area.
2030 (2) Except as provided in Subsections (3), (4), [~~and~~ ](6), and (7) and Subsection
2031 32B-4-415(5):
2032 (a) an individual may not carry from the licensed premises of a retail licensee an open
2033 container that:
2034 (i) is used primarily for drinking purposes; and
2035 (ii) contains an alcoholic product;
2036 (b) a retail licensee may not permit a patron to carry from the licensed premises an open
2037 container described in Subsection (2)(a); and
2038 (c)(i) an individual may not carry from the licensed premises of a retail licensee a
2039 sealed container of liquor that has been purchased from the retail licensee; and
2040 (ii) a retail licensee may not permit a patron to carry from the licensed premises of
2041 the retail licensee a sealed container of liquor that has been purchased from the
2042 retail licensee.
2043 (3)(a) A patron may bring a bottled wine onto the premises of a retail licensee for
2044 on-premise consumption if:
2045 (i) permitted by the retail licensee; and
2046 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.
2047 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the
2048 patron shall deliver the bottled wine to a server or other representative of the retail
2049 licensee upon entering the licensed premises.

2050 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a
2051 wine service for a bottled wine carried onto the licensed premises in accordance with
2052 this Subsection (3) or a bottled wine purchased at the licensed premises.
2053 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle
2054 of wine purchased at the licensed premises, or brought onto the licensed premises in
2055 accordance with this Subsection (3), only if before removal the bottle is recorked or
2056 recapped.
2057 (4) Neither a patron nor a retail licensee violates this section if:
2058 (a) the patron is in shared seating; and
2059 (b) the patron purchased the patron's alcoholic beverage from a restaurant licensee
2060 whose licensed premises include the shared seating area the patron is in.
2061 (5)(a) A patron may carry from a retail licensee's licensed premises a sealed container of
2062 beer that has been purchased from the retail licensee.
2063 (b) A retail licensee may permit a patron to carry from the retail licensee's licensed
2064 premises a sealed container of beer that has been purchased from the retail licensee.
2065 (6) A patron may transport beer between the licensed areas of a facility with both an
2066 on-premise beer retailer license and an on-premise banquet license if the patron
2067 transports the beer to and from an area of each licensed premises:
2068 (a) if the premises are contiguous; and
2069 (b) where the consumption of beer is permitted.
2070 (7) A patron may transport an alcoholic beverage from a bar establishment licensee to a
2071 restaurant licensee if:
2072 (a) the bar establishment licensee is adjacent to the restaurant licensee;
2073 (b) the distance between the bar and the restaurant licensee is no more than 30 feet;
2074 (c) the bar establishment licensee and the restaurant licensee are under the same
2075 ownership;
2076 (d) an employee of the bar establishment licensee escorts the patron to the restaurant
2077 licensee; and
2078 (e) the patron does not enter, cross, or otherwise use a public walkway to transport the
2079 alcoholic beverage to the restaurant licensee.
2080 Section 21. Section **32B-6-203** is amended to read:
2081 **32B-6-203 (Effective 05/06/26). Commission's power to issue full-service**
2082 **restaurant license.**
2083 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an

2084 alcoholic product on [~~its~~] the person's premises as a full-service restaurant, the person
2085 shall first obtain a full-service restaurant license from the commission in accordance
2086 with this part.
2087 (2) The commission may issue a full-service restaurant license to establish full-service
2088 restaurant licensed premises at places and in numbers the commission considers proper
2089 for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product
2090 on premises operated as a full-service restaurant.
2091 (3) Subject to Section 32B-1-201:
2092 (a) the commission may not issue a total number of full-service restaurant licenses that
2093 at any time exceeds the sum of:
2094 (i) 30; and
2095 (ii) the number determined by dividing the population of the state by:
2096 (A) before July 1, 2024, 4,467;
2097 (B) in fiscal year 2025, 4,281;
2098 (C) in fiscal year 2026, 4,095;
2099 (D) in fiscal year 2027, 3,909;
2100 (E) in fiscal year 2028, 3,723;
2101 (F) in fiscal year 2029, 3,537;
2102 (G) in fiscal year 2030, 3,351; and
2103 (H) in fiscal year 2031, and in each fiscal year thereafter, 3,167;
2104 (b) the commission may issue a seasonal full-service restaurant license in accordance
2105 with Section 32B-5-206; and
2106 (c)(i) if the location, design, and construction of a hotel may require more than one
2107 full-service restaurant sales location within the hotel to serve the public
2108 convenience, the commission may authorize the sale, offer for sale, or furnishing
2109 of an alcoholic product at as many as three full-service restaurant locations within
2110 the hotel under one full-service restaurant license if:
2111 (A) the hotel has a minimum of 150 guest rooms; and
2112 (B) the locations under the full-service restaurant license are:
2113 (I) within the same hotel; and
2114 (II) on premises that are managed or operated, and owned or leased, by the
2115 full-service restaurant licensee; and
2116 (ii) except for a hotel, a facility shall have a separate full-service restaurant license
2117 for each full-service restaurant where an alcoholic product is sold, offered for sale,

2118 or furnished.
2119 (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a
2120 full-service restaurant license for premises that do not meet the proximity requirements
2121 of Subsection 32B-1-202(2).
2122 (5)(a) To be licensed as a full-service restaurant, a person shall maintain at least 70% of
2123 the person's gross revenues from the sale of food.
2124 (b) A person complies with Subsection (5)(a) if the percentage calculated by dividing
2125 the person's annual markup cost by the sum of the person's annual gross revenues
2126 from food sales and the person's annual markup cost does not exceed 30%.
2127 [~~(5) To be licensed as a full-service restaurant, a person shall maintain at least 70% of the~~
2128 ~~restaurant's gross revenues from the sale of food, which does not include:~~]
2129 [~~(a) mix for an alcoholic product; or~~]
2130 [~~(b) a service charge.~~]
2131 Section 22. Section **32B-6-303** is amended to read:
2132 **32B-6-303 (Effective 05/06/26). Commission's power to issue limited-service**
2133 **restaurant license.**
2134 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
2135 wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall
2136 first obtain a limited-service restaurant license from the commission in accordance with
2137 this part.
2138 (2)(a) The commission may issue a limited-service restaurant license to establish
2139 limited-service restaurant licensed premises at places and in numbers the commission
2140 considers proper for the storage, sale, offer for sale, furnishing, and consumption of
2141 wine, heavy beer, or beer on premises operated as a limited-service restaurant.
2142 (b) A person may not sell, offer for sale, furnish, or allow the consumption of the
2143 following on the licensed premises of a limited-service restaurant licensee:
2144 (i) spirituous liquor; or
2145 (ii) a flavored malt beverage.
2146 (3) Subject to Section 32B-1-201:
2147 (a) The commission may not issue a total number of limited-service restaurant licenses
2148 that at any time exceeds the number determined by dividing the population of the
2149 state by 6,817.
2150 (b) The commission may issue a seasonal limited-service restaurant license in
2151 accordance with Section 32B-5-206.

2152 (c)(i) If the location, design, and construction of a hotel may require more than one
2153 limited-service restaurant sales location within the hotel to serve the public
2154 convenience, the commission may authorize the sale of wine, heavy beer, and beer
2155 at as many as three limited-service restaurant locations within the hotel under one
2156 limited-service restaurant license if:
2157 (A) the hotel has a minimum of 150 guest rooms; and
2158 (B) the locations under the limited-service restaurant license are:
2159 (I) within the same hotel; and
2160 (II) on premises that are managed or operated, and owned or leased, by the
2161 limited-service restaurant licensee.
2162 (ii) A facility other than a hotel shall have a separate limited-service restaurant
2163 license for each limited-service restaurant where wine, heavy beer, or beer is sold,
2164 offered for sale, or furnished.
2165 (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a
2166 limited-service restaurant license for premises that do not meet the proximity
2167 requirements of Subsection 32B-1-202(2).
2168 [~~(5) To be licensed as a limited-service restaurant, a person shall maintain at least 70% of~~
2169 ~~the restaurant's gross revenues from the sale of food, which does not include:~~]
2170 [~~(a) mix for an alcoholic product; or~~]
2171 [~~(b) a service charge.~~]
2172 (5)(a) To be licensed as a limited-service restaurant, a person shall maintain at least 70%
2173 of the person's gross revenues from the sale of food.
2174 (b) A person complies with Subsection (5)(a) if the percentage calculated by dividing
2175 the person's annual markup cost by the sum of the person's annual gross revenues
2176 from food sales and the person's annual markup cost does not exceed 30%.
2177 Section 23. Section **32B-6-605** is amended to read:
2178 **32B-6-605 (Effective 05/06/26). Specific operational requirements for on-premise**
2179 **banquet license.**
2180 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2181 Requirements, an on-premise banquet licensee and staff of the on-premise banquet
2182 licensee shall comply with this section.
2183 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2184 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2185 (i) an on-premise banquet licensee;

2186 (ii) individual staff of an on-premise banquet licensee; or
2187 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.
2188 (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5)
2189 for the entire premises of the hotel, resort facility, sports center, convention center,
2190 performing arts facility, arena, restaurant venue, or amphitheater that is the basis for the
2191 on-premise banquet license.
2192 (3)(a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
2193 shall provide the department with advance notice of a scheduled banquet in
2194 accordance with rules made by the commission.
2195 (b) Any of the following may conduct a random inspection of a banquet:
2196 (i) an authorized representative of the commission or the department; or
2197 (ii) a law enforcement officer.
2198 (4)(a) An on-premise banquet licensee is not subject to Subsection 32B-5-302(1), but
2199 shall make and maintain the records described in Subsection 32B-5-302(2) and the
2200 records the commission or department requires.
2201 (b) Section 32B-1-205 applies to a record required to be made or maintained in
2202 accordance with this Subsection (4).
2203 (5)(a) Except as otherwise provided in this title, an on-premise banquet licensee may
2204 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption
2205 at the location of the banquet.
2206 (b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:
2207 (i) a person at a banquet other than the on-premise banquet licensee or staff of the
2208 on-premise banquet licensee, may not remove an alcoholic product from the
2209 premises of the banquet; and
2210 (ii) a patron at a banquet may not bring an alcoholic product into or onto the premises
2211 of the banquet.
2212 (6)(a) An on-premise banquet licensee may not leave an unsold alcoholic product at the
2213 banquet following the conclusion of the banquet.
2214 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:
2215 (i) destroy an opened and unused alcoholic product that is not saleable, under
2216 conditions [~~established by~~ ]the department establishes; and
2217 (ii) return to the on-premise banquet licensee's approved [~~locked~~ ]storage area any:
2218 (A) opened and unused alcoholic product that is saleable; and
2219 (B) unopened container of an alcoholic product.

2220 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of
2221 an alcoholic product not sold or consumed at a banquet, an on-premise banquet
2222 licensee:
2223 (i) shall store the alcoholic product in the on-premise banquet licensee's approved [
2224 ~~locked~~ ]storage area; and
2225 (ii) may use the alcoholic product at more than one banquet.
2226 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a
2227 minor to sell, furnish, or dispense an alcoholic product in connection with the
2228 on-premise banquet licensee's banquet and room service activities.
2229 (8) An on-premise banquet licensee:
2230 (a) may provide room service in portions described in Section 32B-5-304;
2231 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
2232 connection with room service any day during a period that:
2233 (i) begins at 1 a.m.; and
2234 (ii) ends at 9:59 a.m.; and
2235 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
2236 product free of charge per guest reservation, per guest room, if the alcoholic product:
2237 (i) is not a spirituous liquor; and
2238 (ii) is in an unopened container not to exceed 750 milliliters.
2239 (9)(a) Subject to the other provisions of this Subsection (9), a patron may not have more
2240 than two alcoholic products of any kind at a time before the patron.
2241 (b) A patron may not have more than one spirituous liquor drink at a time before the
2242 patron.
2243 (c) An individual portion of wine is considered to be one alcoholic product under
2244 Subsection (9)(a).
2245 (10)(a) An on-premise banquet licensee shall supervise and direct a person involved in
2246 the sale, offer for sale, or furnishing of an alcoholic product.
2247 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2248 shall complete an alcohol training and education seminar.
2249 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
2250 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
2251 banquet.
2252 (12)(a) Room service of an alcoholic product to a guest room or privately owned
2253 dwelling unit of a hotel or resort facility shall be provided in person by staff of an

on-premise banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.

(b) An alcoholic product may not be left outside a guest room or privately owned dwelling unit for retrieval by a guest or resident.

(13) An on-premise banquet licensee may not maintain a minibar.

Section 24. Section **32B-6-803** is amended to read:

**32B-6-803 (Effective 05/06/26). Commission's power to issue reception center license.**

(1) Before a person may store, sell, offer for sale, or furnish an alcoholic product on the person's premises as a reception center, the person shall first obtain a reception center license from the commission in accordance with this part.

(2) The commission may issue a reception center license to establish reception center licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated as a reception center.

(3) Subject to Section 32B-1-201, the commission may not issue a total number of reception center licenses that at any time exceeds the sum of:

(a) a number determined by dividing the population of the state by 251,693[~~.~~] ; and

(b) 4.

(4) The commission may not issue a reception center license for premises that do not meet the proximity requirements of Section 32B-1-202.

(5)(a) To be licensed as a reception center, a person shall maintain at least 70% of the person's gross revenues from the sale of food.

(b) A person complies with Subsection (5)(a) if the percentage calculated by dividing the person's annual markup cost by the sum of the person's annual gross revenues from food sales and the person's annual markup cost does not exceed 30%.

[~~(5)(a) To be licensed as a reception center, a person may not maintain more than 30% of the person's total annual gross receipts from the sale of alcoholic products.~~]

[~~(b) For purposes of Subsection (5)(a):~~]

[~~(i) an alcoholic product includes:~~]

[~~(A) mix for an alcoholic product; and~~]

[~~(B) a charge in connection with the furnishing of an alcoholic product; and~~]

[~~(ii) gross receipts do not include any charge for renting a room or facility.~~]

[~~(c) A reception center licensee shall report the information necessary to show~~

~~compliance with this Subsection (5) to the department on an annual basis.~~]

Section 25. Section **32B-6-805** is amended to read:

**32B-6-805 (Effective 05/06/26). Specific operational requirements for a reception center license.**

(1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a reception center licensee and staff of the reception center licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a reception center licensee;

(ii) individual staff of a reception center licensee; or

(iii) both a reception center licensee and staff of the reception center licensee.

(2) In addition to complying with Section 32B-5-303, a reception center licensee shall store an alcoholic product in a storage area described in Subsection (14)(a).

(3)(a) For the purpose described in Subsection (3)(b), a reception center licensee shall provide the following with advance notice of a scheduled event in accordance with rules [~~made by~~ ]the commission makes:

(i) the department; and

(ii) the local law enforcement agency responsible for the enforcement of this title in the jurisdiction where the reception center is located.

(b) Any of the following may conduct a random inspection of an event:

(i) an authorized representative of the commission or the department; or

(ii) a law enforcement officer.

(4)(a) Except as otherwise provided in this title, a reception center licensee may sell, offer for sale, or furnish an alcoholic product at an event only for consumption at the reception center's licensed premises.

(b) A host of an event, a patron, or a person other than the reception center licensee or staff of the reception center licensee, may not remove an alcoholic product from the reception center's licensed premises.

(c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an alcoholic product into or onto, or remove an alcoholic product from, the reception center.

(5)(a) A reception center licensee may not leave an unsold alcoholic product at an event following the conclusion of the event.

(b) At the conclusion of an event, a reception center licensee shall:

2322 (i) destroy an opened and unused alcoholic product that is not saleable, under
2323 conditions [~~established by~~ ]the department establishes; and
2324 (ii) return to the reception center licensee's approved [~~locked~~ ]storage area any:
2325 (A) opened and unused alcoholic product that is saleable; and
2326 (B) unopened container of an alcoholic product.
2327 (c) Except as provided in Subsection (5)(b) with regard to an open or sealed container of
2328 an alcoholic product not sold or consumed at an event, a reception center licensee:
2329 (i) shall store the alcoholic product in accordance with Subsection (2); and
2330 (ii) may use the alcoholic product at more than one event.
2331 (6) Notwithstanding Section 32B-5-308, a reception center licensee may not employ a
2332 minor in connection with an event at the reception center at which food is not made
2333 available.
2334 (7) A person's willingness to serve an alcoholic product may not be made a condition of
2335 employment as a server with a reception center licensee.
2336 (8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at
2337 the licensed premises on any day during the period that:
2338 (a) begins at 1 a.m.; and
2339 (b) ends at 9:59 a.m.
2340 (9) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at
2341 an event at which a minor is present unless the reception center licensee makes food
2342 available at all times when an alcoholic product is sold, offered for sale, furnished, or
2343 consumed during the event.
2344 (10)(a) Subject to the other provisions of this Subsection (10), a patron may not have
2345 more than two alcoholic products of any kind at a time before the patron.
2346 (b) An individual portion of wine is considered to be one alcoholic product under
2347 Subsection (10)(a).
2348 (11)(a) A reception center licensee shall supervise and direct a person involved in the
2349 sale, offer for sale, or furnishing of an alcoholic product.
2350 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2351 shall complete an alcohol training and education seminar.
2352 (12) A staff person of a reception center licensee shall remain at an event at all times when
2353 an alcoholic product is sold, offered for sale, furnished, or consumed at the event.
2354 (13) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product
2355 to a patron, and a patron may not consume an alcoholic product at a bar structure.

2356 (14) Except as provided in Subsection (15), a reception center licensee may dispense an
2357 alcoholic product only if:
2358 (a) the alcoholic product is dispensed from an area that is:
2359 (i) separated from an area for the consumption of food by a patron by a solid,
2360 translucent, permanent structural barrier such that the facilities for the storage or
2361 dispensing of an alcoholic product are:
2362 (A) not readily visible to a patron; and
2363 (B) not accessible by a patron; and
2364 (ii) apart from an area used:
2365 (A) for staging; or
2366 (B) as a lobby or waiting area;
2367 (b) the reception center licensee uses an alcoholic product that is:
2368 (i) stored in an area described in Subsection (14)(a); or
2369 (ii) in an area not described in Subsection (14)(a) on the licensed premises and:
2370 (A) immediately before the alcoholic product is dispensed it is in an unopened
2371 container;
2372 (B) the unopened container is taken to an area described in Subsection (14)(a)
2373 before it is opened; and
2374 (C) once opened, the container is stored in an area described in Subsection (14)(a);
2375 and
2376 (c) any instrument or equipment used to dispense an alcoholic product is located in an
2377 area described in Subsection (14)(a).
2378 (15) A reception center licensee may dispense an alcoholic product from a mobile serving
2379 area that:
2380 (a) is moved only by staff of the reception center licensee;
2381 (b) is capable of being moved by only one individual; and
2382 (c) is no larger than [~~6~~] <u>six</u> feet long and 30 inches wide.
2383 (16)(a) A reception center licensee may not have an event on the licensed premises
2384 unless the event:
2385 (i) is [~~pursuant to~~] <u>in accordance with</u> a contract between a third party host of the
2386 event and the reception center licensee under which the reception center licensee
2387 provides an alcoholic product sold, offered for sale, or furnished at an event; or
2388 (ii) is a private event.
2389 (b) At an event, a reception center licensee may furnish an alcoholic product:

(i) without charge to a patron, except that the third party host of the event shall pay for an alcoholic product furnished at the event; or

(ii) with a charge to a patron at the event.

(c) The commission may by rule define what constitutes a "third-party host" for purposes of this Subsection (16) so that a reception center licensee and the third-party host are not owned by or operated by the same persons, except that the rule shall permit a reception center licensee to host an event for an immediate family member of the reception center licensee.

(17) A reception center licensee shall have culinary facilities that are:

(a) adequate to prepare a full meal; and

(b)(i) located on the licensed premises; or

(ii) under the same control as the reception center licensee.

(18)(a) Except as provided in Subsection (18)(b), a reception center licensee may not operate an event:

(i) that is open to the general public; and

(ii) at which an alcoholic product is sold or offered for sale.

(b) A reception center licensee may operate an event described in Subsection (18)(a) if the event is hosted:

(i) at the reception center no more frequently than once a calendar year; and

(ii) by a nonprofit organization that is organized and qualified under Section 501(c), Internal Revenue Code.

Section 26. Section **32B-6-903** is amended to read:

**32B-6-903 (Effective 05/06/26). Commission's power to issue beer-only restaurant license.**

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer on its premises as a beer-only restaurant, the person shall first obtain a beer-only restaurant license from the commission in accordance with this part.

[~~(2)~~] (a)[~~(a)~~] (i) The commission may issue a beer-only restaurant license to establish beer-only restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as a beer-only restaurant.

[~~(b)~~] (ii) A person may not sell, offer for sale, furnish, or allow the consumption of liquor on the licensed premises of a beer-only restaurant licensee.

[~~(3)~~] (b)[~~(a)~~] (i) Only one beer-only restaurant license is required for each building or

2424 resort facility owned or leased by the same person.
2425 [~~(b)~~] (ii) A separate license is not required for each beer-only restaurant license
2426 dispensing location in the same building or on the same resort premises owned or
2427 operated by the same person.
2428 [~~(4)~~] (c) Except as otherwise provided in Section 32B-1-202, the commission may not
2429 issue a beer-only restaurant license for premises that do not meet the proximity
2430 requirements of Subsection 32B-1-202(2).
2431 [~~(5) To be licensed as a beer-only restaurant, a person shall maintain at least 70% of the~~
2432 ~~restaurant's gross revenues from the sale of food, which does not include a service~~
2433 ~~charge.~~]
2434 (2)(a) To be licensed as a beer-only restaurant, a person shall maintain at least 70% of
2435 the person's gross revenues from the sale of food.
2436 (b) A person complies with Subsection (2)(a) if the percentage calculated by dividing
2437 the person's annual markup cost by the sum of the person's annual gross revenues
2438 from food sales and the person's annual markup cost does not exceed 30%.
2439 Section 27. Section **32B-7-202** is amended to read:
2440 **32B-7-202 (Effective 05/06/26). General operational requirements for**
2441 **off-premise beer retailer.**
2442 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
2443 with the provisions of this title and any applicable rules made by the commission.
2444 [~~(2)~~] (b) Failure to comply with this section may result in a suspension or revocation of a
2445 local license and, on or after July 1, 2018, disciplinary action in accordance with
2446 Chapter 3, Disciplinary Actions and Enforcement Act.
2447 [~~(3)~~] (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
2448 purpose of resale, or sell beer, except beer that the off-premise beer retailer
2449 lawfully purchases from:
2450 (A) a beer wholesaler licensee; or
2451 (B) a small brewer that manufactures the beer.
2452 (ii) A violation of Subsection [~~(2)(a)~~] (2)(a)(i) is a class A misdemeanor.
2453 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
2454 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
2455 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
2456 in the geographical area in which the off-premise beer retailer is located, unless an
2457 alternate wholesaler is authorized by the department to sell to the off-premise beer

2458 retailer as provided in Section 32B-13-301.
2459 (ii) A violation of Subsection [~~(2)(b)~~] (2)(b)(i) is a class B misdemeanor.
2460 [~~(4)~~] (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
2461 container larger than two liters.
2462 [~~(5)~~] (4)(a) Staff of an off-premise beer retailer, while on duty, may not:
2463 (i) consume an alcoholic product; or
2464 (ii) be intoxicated.
2465 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
2466 unless:
2467 (i) the sale is done under the supervision of a person 21 years old or older who is on
2468 the licensed premises; and
2469 (ii) the minor is at least 16 years old.
2470 [~~(6)~~] (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic
2471 product to:
2472 (a) a minor;
2473 (b) a person actually, apparently, or obviously intoxicated;
2474 (c) a known interdicted person; or
2475 (d) a known habitual drunkard.
2476 [~~(7)~~] (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer
2477 retailer shall:
2478 (i) display all beer accessible by and visible to a patron in no more than two locations
2479 on the retail sales floor, each of which is:
2480 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
2481 beverage displayed; and
2482 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
2483 cooler with a door from which the nonalcoholic beverages are not accessible,
2484 or the beer is separated from the display of nonalcoholic beverages by a display
2485 of one or more nonbeverage products or another physical divider; and
2486 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
2487 (A) is prominent;
2488 (B) is easily readable by a consumer;
2489 (C) meets the requirements for format [~~established by the commission~~] that the
2490 commission establishes by rule; and
2491 (D) [~~reads in print that is no smaller than .5 inches, bold type, "These beverages~~

2492 ~~contain alcohol. Please read the label carefully."~~] meets the requirements the
2493 department establishes by rule in accordance with Subsection (12).
2494 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
2495 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
2496 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
2497 labeled, packaged, or advertised as:
2498 (i) a malt cooler; or
2499 (ii) a beverage that may provide energy.
2500 (d) A violation of this Subsection (6) is an infraction.
2501 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
2502 (6)(a)(i) apply on and after May 9, 2017.
2503 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
2504 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
2505 [~~(8)~~] (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer
2506 or who sells beer to a patron for consumption off the premises of the off-premise beer
2507 retailer shall wear a unique identification badge:
2508 (i) on the front of the staff's clothing;
2509 (ii) visible above the waist;
2510 (iii) bearing the staff's:
2511 (A) first or last name;
2512 (B) initials; or
2513 (C) unique identification in letters or numbers; and
2514 (iv) with the number or letters on the unique identification badge being sufficiently
2515 large to be clearly visible and identifiable while engaging in or directly
2516 supervising the retail sale of beer.
2517 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
2518 unique identification badge assigned by the off-premise beer retailer that includes the
2519 staff's:
2520 (i) full name;
2521 (ii) address; and
2522 (iii)(A) driver license number; or
2523 (B) similar identification number.
2524 (c) An off-premise beer retailer shall make available a record required to be made or
2525 maintained under this Subsection (7) for immediate inspection by:

2526 (i) a peace officer;
2527 (ii) a representative of the local authority that issues the off-premise beer retailer
2528 license; or
2529 (iii) for an off-premise beer retailer state license, a representative of the commission
2530 or department.
2531 (d) A local authority may impose a fine of up to $250 against an off-premise beer
2532 retailer that does not comply or require its staff to comply with this Subsection (7).
2533 [~~(9)~~] (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
2534 (i) at a drive-through window;
2535 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
2536 off-premise beer retailer's licensed premises; or
2537 (iii) subject to Subsection (8)(b), at a designated parking stall.
2538 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
2539 Subsection (8)(a)(iii) is:
2540 (A) located on property that the off-premise beer retailer owns or has a legal right
2541 to occupy;
2542 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
2543 and
2544 (C) labeled in a conspicuous manner that communicates the purpose described in
2545 Subsection [~~(8)(b)(ii).~~] (8)(b)(i)(B).
2546 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
2547 designated parking stall described in Subsection (8)(a)(iii) unless:
2548 (A) the off-premise beer retailer ensures that the individual purchasing the beer
2549 purchases the beer before parking in the designated parking stall;
2550 (B) the off-premise beer retailer delivers the beer directly from the off-premise
2551 beer retailer's licensed premises to the designated parking stall;
2552 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
2553 purchaser's age in accordance with Section 32B-1-407; and
2554 (D) the off-premise beer retailer maintains video surveillance of the designated
2555 parking stall.
2556 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
2557 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
2558 accordance with this Subsection (8) shall comply with the training requirements
2559 described in Section 32B-1-703.

2560 [~~(10)~~] (9) An off-premise beer retailer may not on the licensed premises:
2561 (a) engage in or permit any form of:
2562 (i) gambling, as defined in Section 76-9-1401; or
2563 (ii) fringe gambling, as defined in Section 76-9-1401;
2564 (b) have any fringe gaming device, video gaming device, or gambling device or record
2565 as defined in Section 76-9-1401; or
2566 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
2567 the risking of something of value for a return or for an outcome when the return or
2568 outcome is based upon an element of chance, excluding the playing of an amusement
2569 device that confers only an immediate and unrecorded right of replay not
2570 exchangeable for value.
2571 [~~(11)~~] (10) An off-premise beer retailer may not knowingly allow a person on the licensed
2572 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
2573 Title 58, Chapter 37a, Utah Drug Paraphernalia Act:
2574 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
2575 or
2576 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
2577 Section 58-37a-3.
2578 [~~(12)~~] (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
2579 intended to be frozen and consumed in a manner other than as a beverage, including beer
2580 in the form of a freeze pop, popsicle, ice cream, or sorbet.
2581 (12)(a) Subject to Subsection (12)(b), the department shall establish, by rule, the
2582 language that a sign described in Subsection (6)(a)(ii) shall contain.
2583 (b) The department shall require that a sign described in Subsection (6)(a)(ii) contain at
2584 least the following:
2585 (i) the words, in no smaller than .5 inches, in bold font, "These beverages contain
2586 alcohol. Please read the label carefully.";
2587 (ii) a notice of the risk an individual incurs by operating a motor vehicle while under
2588 the influence of alcohol;
2589 (iii) a notice of the general health risks associated with consuming alcohol; and
2590 (iv) any other language the department deems necessary.
2591 (c) Once during each even-numbered year, the department shall submit a report to the
2592 Legislative Management Committee that states:
2593 (i) the current language the department requires in accordance with this Subsection

2594 (12);
2595 (ii) each change the department has made to the language since the department's
2596 immediately preceding report; and
2597 (iii) any legislative changes that the department recommends that relate to Subsection
2598 (6).
2599 Section 28. Section **32B-8-401** is amended to read:
2600 **32B-8-401 (Effective 05/06/26). Specific operational requirements for resort**
2601 **license.**
2602 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2603 Requirements, a resort licensee, staff of the resort licensee, and a sublicensee or a
2604 person otherwise operating under a sublicense shall comply with this section.
2605 (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)
2606 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions
2607 and Enforcement Act, against:
2608 (i) the resort licensee;
2609 (ii) individual staff of the resort licensee;
2610 (iii) a sublicensee or person otherwise operating under a sublicense of the resort
2611 licensee;
2612 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense
2613 of the resort licensee; or
2614 (v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).
2615 (2)(a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product
2616 except:
2617 (i) on sublicensed premises;
2618 (ii) pursuant to a permit issued under this title;
2619 (iii) under a package agency agreement with the department, subject to Chapter 2,
2620 Part 6, Package Agency; or
2621 (iv) through room service.
2622 (b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as
2623 provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic
2624 product:
2625 (i) if on a sublicense premises, in accordance with the operational requirements
2626 described in Section 32B-8d-104;
2627 (ii) if under a permit issued under this title, in accordance with the operational

2628 requirements under the provisions applicable to the permit;
2629 (iii) if as a package agency, in accordance with the contract with the department and
2630 Chapter 2, Part 6, Package Agency; and
2631 (iv) if through room service, in accordance with Subsection (6).
2632 [~~(3) A resort licensee shall operate in a manner so that at least 70% of the annual aggregate~~
2633 ~~of the gross receipts related to the sale of food or beverages for the resort license and~~
2634 ~~each of the resort licensee's sublicenses is from the sale of food, not including:~~]
2635 [~~(a) mix for an alcoholic product; and~~]
2636 [~~(b) a charge in connection with the service of an alcoholic product.~~]
2637 (3)(a) To be licensed as a resort licensee, a person shall maintain at least 70% of the
2638 person's gross revenues related to the sale of food or beverages for the resort licensee
2639 and each of the resort licensee's sublicenses from the sale of food.
2640 (b) A person complies with Subsection (3)(a) if the percentage calculated by dividing
2641 the person's annual markup cost by the sum of the person's annual gross revenues
2642 from food sales and the person's annual markup cost does not exceed 30%.
2643 (4)(a) A resort licensee shall supervise and direct a person involved in the sale, offer for
2644 sale, or furnishing of an alcoholic product under a resort license.
2645 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2646 under a resort license shall complete the alcohol training and education seminar.
2647 (5) A resort licensee shall:
2648 (a) in accordance with commission rule, establish and maintain signage that clearly
2649 identifies each designated conveyance area and conspicuously states that a patron
2650 may not take an alcoholic beverage beyond the designated conveyance area except as
2651 otherwise provided in this chapter;
2652 (b) ensure that an alcoholic beverage is not left unattended in a designated conveyance
2653 area; and
2654 (c) ensure that each patron complies with the requirements of Subsection
2655 32B-8d-104(5)(b)(ii).
2656 (6)(a) Staff of the resort licensee shall provide room service of an alcoholic product to a
2657 lodging accommodation of a resort licensee in person only to an adult occupant in the
2658 lodging accommodation.
2659 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
2660 by an occupant.
2661 Section 29. Section **32B-8b-102** is amended to read:

2662 **32B-8b-102 (Effective 05/06/26). Definitions.**
2663 As used in this chapter:
2664 (1) "Boundary of a hotel" means the physical boundary of one or more contiguous parcels
2665 of real property owned or managed by the same person and on which a hotel is located.
2666 (2) "Designated conveyance area" means a route within a hotel or resort:
2667 (a) that connects one or more of the following by the most direct route possible:
2668 (i) the premises of a bar establishment sublicensee;
2669 (ii) the premises of a hospitality amenity sublicensee;
2670 (iii) the premises of an on-premise banquet sublicensee; or
2671 (iv) a guest's room; and
2672 (b) does not begin, end, or pass through a pool area or other recreation area, a designated
2673 business center, or a sublicensed premises not described in Subsection (2)(a).
2674 (3) "Hotel" means one or more buildings that:
2675 (a) comprise a hotel, as defined by the commission;
2676 (b) are owned or managed by the same person or by a person who has a majority interest
2677 in or can direct or exercise control over the management or policy of the person who
2678 owns or manages any other building under the hotel license within the boundary of
2679 the hotel;
2680 (c) primarily operate to provide lodging accommodations;
2681 (d) have on-premise banquet space and provide on-premise banquet service within the
2682 boundary of the hotel meeting the requirements of this title;
2683 (e) have a restaurant or bar establishment within the boundary of the hotel meeting the
2684 requirements of this title; and
2685 (f) have at least [~~40~~] 30 rooms as temporary sleeping accommodations for compensation.
2686 Section 30. Section **32B-8b-301** is amended to read:
2687 **32B-8b-301 (Effective 05/06/26). Specific operational requirements for hotel**
2688 **license.**
2689 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2690 Requirements, a hotel licensee, staff of the hotel licensee, and a sublicensee or person
2691 otherwise operating under a sublicense shall comply with this section.
2692 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2693 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2694 (i) the hotel licensee;
2695 (ii) individual staff of the hotel licensee;

2696 (iii) a sublicensee or person otherwise operating under a sublicense of the hotel
2697 licensee;
2698 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense
2699 of the hotel licensee; or
2700 (v) any combination of the persons listed in this Subsection (1)(b).
2701 (2)(a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product except:
2702 (i) on sublicensed premises;
2703 (ii) [~~pursuant to~~ ] in accordance with a permit issued under this title;
2704 (iii) under a package agency agreement with the department, subject to Chapter 2,
2705 Part 6, Package Agency; or
2706 (iv) through room service.
2707 (b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as
2708 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:
2709 (i) if on sublicensed premises, in accordance with the operational requirements
2710 described in Section 32B-8d-104;
2711 (ii) if under a permit issued under this title, in accordance with the operational
2712 requirements under the provisions applicable to the permit;
2713 (iii) if as a package agency, in accordance with the contract with the department and
2714 Chapter 2, Part 6, Package Agency; and
2715 (iv) if through room service, in accordance with Subsection (5).
2716 (c) Notwithstanding the other provisions of this Subsection (2) and except as provided in
2717 Section 32B-8d-104, a hotel licensee may not permit a patron to carry an alcoholic
2718 product off the premises of a sublicense in violation of Section 32B-5-307, off an
2719 area designated under a permit, or off a designated conveyance area.
2720 (3) A hotel licensee shall supervise and direct a person involved in the sale, offer for sale,
2721 or furnishing of an alcoholic product under a hotel license.
2722 (4)(a) A hotel licensee shall:
2723 (i) in accordance with commission rule, establish and maintain signage that clearly
2724 identifies each designated conveyance area and conspicuously states that a patron
2725 may not take an alcoholic beverage beyond the designated conveyance area except
2726 as otherwise provided in this chapter;
2727 (ii) ensure that an alcoholic beverage is not left unattended in a designated
2728 conveyance area; and
2729 (iii) ensure that each patron complies with the requirements of Subsection

2730 32B-8d-104(5)(b)(ii).
2731 (b) In accordance with Subsection (2), a hotel licensee may not sell, offer for sale, or
2732 furnish an alcoholic product in a designated conveyance area.
2733 (5)(a) Staff of the hotel licensee shall provide room service of an alcoholic product to a
2734 lodging accommodation of a hotel licensee in person only to an adult occupant in the
2735 lodging accommodation.
2736 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
2737 by an occupant.
2738 (6)(a) To be licensed as a hotel licensee, a person shall maintain at least 70% of the
2739 person's gross revenues related to the sale of food or beverages for the hotel licensee
2740 and each of the hotel licensee's sublicenses from the sale of food.
2741 (b) A person complies with Subsection (6)(a) if the percentage calculated by dividing
2742 the hotel's and each of the hotel's sublicense's annual markup cost by the sum of the
2743 the hotel's and each of the hotel's sublicense's annual gross revenues from food sales
2744 and the hotel's and each of the hotel's sublicense's annual markup cost does not
2745 exceed 30%
2746 [~~(6) A hotel licensee shall operate in a manner so that at least 70% of the annual aggregate~~
2747 ~~of the gross receipts related to the sale of food or beverages for the hotel license and~~
2748 ~~each of the hotel license's sublicenses is from the sale of food, not including:~~]
2749 [~~(a) mix for an alcoholic product; and~~]
2750 [~~(b) a charge in connection with the service of an alcoholic product.~~]
2751 Section 31. Section **32B-8c-301** is amended to read:
2752 **32B-8c-301 (Effective 05/06/26). Specific operational requirements for arena**
2753 **license.**
2754 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2755 Requirements, an arena licensee, staff of the arena licensee, and a sublicensee or
2756 person otherwise operating under a sublicense shall comply with this section.
2757 (b) Failure to comply as provided in Subjection (1)(a) may result in disciplinary action
2758 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
2759 (i) the arena licensee;
2760 (ii) individual staff of the arena licensee;
2761 (iii) a sublicensee or person otherwise operating under a sublicense of the arena
2762 licensee;
2763 (iv) individual staff of a sublicensee or person otherwise operating under a

2764 sublicense; or
2765 (v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).
2766 (2)(a) An arena licensee may not sell, offer for sale, or furnish an alcoholic product
2767 except:
2768 (i) on sublicensed premises;
2769 (ii) [~~pursuant to~~] in accordance with a permit issued under this title; or
2770 (iii) under a package agency agreement with the department, subject to Chapter 2,
2771 Part 6, Package Agency.
2772 (b) An arena licensee who sells, offers for sale, or furnishes an alcoholic product as
2773 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:
2774 (i) if on sublicensed premises, in accordance with the operational requirements
2775 described in Section 32B-8d-104;
2776 (ii) if under a permit issued under this title, in accordance with the operational
2777 requirements under the provisions applicable to the permit; and
2778 (iii) if as a package agency, in accordance with the contract with the department and
2779 Chapter 2, Part 6, Package Agency.
2780 [~~(3) An arena licensee shall operate in a manner so that at least 70% of the annual aggregate~~
2781 ~~of the gross receipts related to the sale of food and beverages for the arena license and~~
2782 ~~each of the arena license's sublicenses is from the sale of food, not including:~~]
2783 [~~(a) mix for an alcoholic product; and~~]
2784 [~~(b) a charge in connection with the service of an alcoholic product.~~]
2785 (3)(a) To be licensed as an arena licensee, a person shall maintain at least 70% of the
2786 person's gross revenues related to the sale of food or beverages for the arena licensee
2787 and each of the arena licensee's sublicenses from the sale of food.
2788 (b) A person complies with Subsection (3)(a) if the percentage calculated by dividing
2789 the arena's and each of the arena's sublicense's annual markup cost by the sum of the
2790 the arena's and each of the arena's sublicense's annual gross revenues from food sales
2791 and the arena's and each of the arena's sublicense's annual markup cost does not
2792 exceed 30%.
2793 (4) An arena licensee shall, directly or indirectly, supervise and direct a person involved in
2794 the sale, offer for sale, or furnishing of an alcoholic product under an arena license.
2795 Section 32. Section **32B-9-201** is amended to read:
2796 **32B-9-201 (Effective 05/06/26). Application requirements for event permit.**
2797 (1) To obtain an event permit, a person shall submit to the department:

2798 (a) a written application in a form that the department prescribes;
2799 (b) an event permit fee:
2800 (i) in the amount specified in the relevant part under this chapter for the type of event
2801 permit for which the person is applying; and
2802 (ii) that is refundable if an event permit is not issued;
2803 (c) written consent of the local authority;
2804 (d) a bond as specified by Section 32B-9-203;
2805 (e) the times, dates, location, estimated attendance, nature, and purpose of the event;
2806 (f) a description or floor plan designating:
2807 (i) the area in which the person proposes that an alcoholic product be stored;
2808 (ii) the site from which the person proposes that an alcoholic product be sold, offered
2809 for sale, or furnished; and
2810 (iii) the area in which the person proposes that an alcoholic product be allowed to be
2811 consumed;
2812 (g) a signed consent form stating that the event permittee will permit any authorized
2813 representative of the commission, department, or any law enforcement officer to have
2814 unrestricted right to enter the premises during the event;
2815 (h) if the person is an entity, proper verification evidencing that a person who signs the
2816 application is authorized to sign on behalf of the entity; and
2817 (i) any other information as the commission or department may require.
2818 (2) If a person substantially changes the person's application under Subsection (1) after the
2819 person initially submits the application, the person shall pay to the department a fee:
2820 (a) in an amount the department prescribes in accordance with Section 63J-1-504; and
2821 (b) that is nonrefundable, regardless of whether the department issues an event permit.
2822 (3) An entity applying for a permit need not meet the requirements of Subsections (1)(b), (c),
2823 and (d) if the entity is:
2824 (a) a state agency; or
2825 (b) a political subdivision of the state.
2826 (4) The director may not issue an event permit to a person who is disqualified under Section
2827 32B-1-304.
2828 (5)(a) The proximity requirements of Section 32B-1-202 do not apply to an event permit.
2829 (b) Notwithstanding Subsection (5)(a), nothing in this section prevents the director[~~, the~~
2830 ~~Compliance, Licensing, and Enforcement Subcommittee,~~] or the commission from
2831 considering the proximity of an educational, religious, or recreational facility, or any

2832 other relevant factor in deciding whether to issue an event permit.
2833 Section 33. Section **32B-9-202** is amended to read:
2834 **32B-9-202 (Effective 05/06/26). Duties before issuing event permit.**
2835 (1)(a) Before the director may issue an event permit, the department shall conduct an
2836 investigation and may hold public hearings to gather information and make
2837 recommendations to the director as to whether the director should issue an event
2838 permit.
2839 (b) The department shall provide the information and recommendations described in
2840 Subsection (1)(a) to the director to aid in the director's determination.
2841 (2) Before issuing an event permit, the director shall:
2842 (a) determine that the person filed a complete application and is in compliance with:
2843 (i) Section 32B-9-201; and
2844 (ii) the relevant part under this chapter for the type of event permit for which the
2845 person is applying;
2846 (b) determine that the person is not disqualified under Section 32B-1-304;
2847 (c) consider the purpose of the organization or its local lodge, chapter, or other local unit;
2848 (d) consider the times, dates, location, estimated attendance, nature, and purpose of the
2849 event;
2850 (e) to minimize the risk of minors being sold or furnished alcohol or adults being
2851 overserved alcohol at the event, determine that adequate and appropriate control
2852 measures and adequate and appropriate enforcement measures are in place at the
2853 event to assure that minors will not be sold or furnished alcohol and that adults will
2854 not be overserved, except that adequate and appropriate control and enforcement
2855 measures may be different for small, large, indoor, or outdoor events;
2856 (f) determine that the event permit is not being sought by the person as a means to
2857 circumvent other applicable requirements of this title, notwithstanding that the
2858 applicant may hold one or more licenses issued under this title;
2859 (g) consider, for the period of three years before the date of the event, the violation
2860 history of:
2861 (i) the applicant; and
2862 (ii) the venue where the event will be held; and
2863 [~~(h) provide the information and recommendations described in Subsection (1) to, and~~
2864 ~~obtain the approval of, the Compliance, Licensing, and Enforcement Subcommittee;~~]
2865 [~~(i) notify each commissioner before the director issues the event permit in accordance~~

2866 ~~with Subsection (3); and~~]
2867 [~~(j)~~] (h) consider any other factor the director considers necessary.
2868 (3)[~~(a) Except as provided in Subsections (3)(d) and (e), the director shall notify~~
2869 ~~each commissioner of the director's preliminary decision to issue or deny the issuance~~
2870 ~~of an event permit three business days before the day on which the decision is to be~~
2871 ~~final.~~]
2872 [~~(b) The preliminary decision becomes a final decision of the director unless:~~]
2873 [~~(i) within three business days after the day on which the notice is received at least~~
2874 ~~three of the commissioners request a meeting to discuss whether the event permit~~
2875 ~~should be issued; or~~]
2876 [~~(ii) the director modifies or revokes the preliminary decision to issue or deny~~
2877 ~~issuance of the event permit.~~]
2878 [~~(c) If three or more of the commissioners request a meeting:~~]
2879 [~~(i) the applicant for the event permit shall be notified; and~~]
2880 [~~(ii) the commission shall:~~]
2881 [~~(A) hold a meeting on the application for an event permit no later than the next~~
2882 ~~regularly scheduled meeting of the commission; and~~]
2883 [~~(B) issue the event permit if the applicant meets the requirements of this chapter~~
2884 ~~or deny issuance of the event permit if the applicant fails to meet the~~
2885 ~~requirements of this chapter.~~]
2886 [~~(d) The commission may waive the three business day notice period described in~~
2887 ~~Subsection (3)(a) on behalf of a commissioner.~~]
2888 [~~(e)~~] (a)(i) The director may at any time refer an application for an event permit
2889 directly to the commission for a determination as to whether an event permit
2890 should be issued or denied.
2891 (ii) For purposes of this title, an event permit issued by the commission is to be
2892 treated the same as an event permit issued by the director.
2893 [~~(f)~~] (b) If the commission finds that an event permit was improperly issued or that the
2894 permittee has violated this chapter, the commission may take any action permitted
2895 under this title.
2896 (4) Once the director issues an event permit, the department shall send a copy of the
2897 approved application and the event permit by written or electronic means to the state and
2898 local law enforcement authorities at least three days before the event.
2899 (5) The director shall provide the commission a monthly report of the actions taken by the

2900 director under this part.
2901 (6) If authorized by the director, the deputy director may act on behalf of the director for
2902 purposes of issuing an event permit under this chapter.
2903 Section 34. Section **32B-9-204** is amended to read:
2904 **32B-9-204 (Effective 05/06/26). General operational requirements for an event**
2905 **permit.**
2906 (1)(a) An event permittee and a person involved in the storage, sale, offer for sale, or
2907 furnishing of an alcoholic product at an event for which an event permit is issued,
2908 shall comply with this title and rules of the commission.
2909 (b) Failure to comply as provided in Subsection (1)(a):
2910 (i) may result in:
2911 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
2912 Enforcement Act, against:
2913 (I) an event permittee;
2914 (II) a person involved in the storage, sale, offer for sale, or furnishing of an
2915 alcoholic product at the event; or
2916 (III) any combination of the persons listed in this Subsection (1)(b);
2917 (B) immediate revocation of the event permit;
2918 (C) forfeiture of a bond; or
2919 (D) immediate seizure of an alcoholic product present at the event; and
2920 (ii) if the event permit is revoked, disqualifies the event permittee from applying for
2921 an event permit for a period of three years from the date of revocation of the event
2922 permit.
2923 (c) An alcoholic product seized under this Subsection (1) shall be returned to the event
2924 permittee after an event if forfeiture proceedings are not instituted under Section
2925 32B-4-206.
2926 (2)(a) If there is a conflict between this part and the relevant part under this chapter for
2927 the specific type of special use permit held by the special use permittee, the relevant
2928 part governs.
2929 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an
2930 event permittee may only sell, offer for sale, or furnish an alcoholic product specified
2931 in the relevant part under this chapter for the type of event permit that is held by the
2932 event permittee.
2933 (c) Notwithstanding that this part or the relevant part under this chapter for the type of

event permit held by an event permittee refers to "event permittee," a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event for which the event permit is issued is subject to the same requirement or prohibition.

(3) An event permittee shall display a copy of the event permit in a prominent place in the area in which an alcoholic product is sold, offered for sale, furnished, and consumed.

(4) An event permittee may not on the premises of the event:

(a) engage in or allow any form of gambling, as defined in Section 76-9-1401, or fringe gambling, as defined in Section 76-9-1401;

(b) have any fringe gaming device, video gaming device, or gambling device or record as defined in Section 76-9-1401; or

(c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

(5) An event permittee may not knowingly allow a person at an event to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37a, Utah Drug Paraphernalia Act:

(a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or

(b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in Section 58-37a-3.

(6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases from:

(a) a beer wholesaler licensee;

(b) a beer retailer; or

(c) a small brewer.

(7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product purchased for an event in a location other than that described in the application and designated on the event permit unless the event permittee first applies for and receives approval from the director[~~, with the approval of the Compliance, Licensing, and Enforcement Subcommittee,~~] for a change of location.

(8)(a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish beer for on-premise consumption:

2968 (i) in an open original container; and
2969 (ii) in a container on draft.
2970 (b) An event permittee may not sell, offer for sale, or furnish beer sold [~~pursuant to~~] in
2971 accordance with Subsection (8)(a):
2972 (i) in a size of container that exceeds two liters; or
2973 (ii) to an individual patron in a size of container that exceeds one liter.
2974 (9)(a) An event permittee may not sell or offer for sale an alcoholic product at less than
2975 the cost of the alcoholic product to the event permittee.
2976 (b) An event permittee may not sell an alcoholic product at a discount price on any date
2977 or at any time.
2978 (c) An event permittee may not sell or offer for sale an alcoholic product at a price that
2979 encourages overconsumption or intoxication.
2980 (d) An event permittee may not sell or offer for sale an alcoholic product at a special or
2981 reduced price for only certain hours of the day of an event.
2982 (e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic
2983 product at the price of a single alcoholic product.
2984 (f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic
2985 product under an event permit, may not sell, offer for sale, or furnish an indefinite or
2986 unlimited number of alcoholic products during a set period for a fixed price, unless:
2987 (i) the alcoholic product is served to a patron at a seated event;
2988 (ii) food is available whenever the alcoholic product is sold, offered for sale, or
2989 furnished; and
2990 (iii) no person advertises that at the event a person may be sold or furnished an
2991 indefinite or unlimited number of alcoholic products during a set period for a
2992 fixed price.
2993 (g) An event permittee may not engage in a public promotion involving or offering a
2994 free alcoholic product to the general public.
2995 (10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:
2996 (a) a minor;
2997 (b) a person actually, apparently, or obviously intoxicated;
2998 (c) a known interdicted person; or
2999 (d) a known habitual drunkard.
3000 (11)(a) An alcoholic product is considered under the control of the event permittee
3001 during an event.

3002 (b) A patron at an event may not bring an alcoholic product onto the premises of the
3003 event.
3004 (12) An event permittee may not permit a patron to carry from the premises an open
3005 container that:
3006 (a) is used primarily for drinking purposes; and
3007 (b) contains an alcoholic product.
3008 (13)(a) A person involved in the storage, sale, or furnishing of an alcoholic product at an
3009 event is considered under the supervision and direction of the event permittee.
3010 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at
3011 an event may not, while on duty:
3012 (i) consume an alcoholic product; or
3013 (ii) be intoxicated.
3014 (14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.
3015 (15) The location specified in an event permit may not be changed without prior written
3016 approval of the commission.
3017 (16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in
3018 any way to dispose of the event permit to another person whether for monetary gain or
3019 not.
3020 (17)(a) An event permittee may not sell, offer for sale, furnish, or allow the consumption
3021 of an alcoholic product during a period that:
3022 (i) begins at 1 a.m.; and
3023 (ii) ends at 9:59 a.m.
3024 (b) This Subsection (17) does not preclude a local authority from being more restrictive
3025 with respect to the hours of sale, offer for sale, furnishing, or consumption of an
3026 alcoholic product at an event.
3027 (18) A patron may have no more than one alcoholic product of any kind at a time before the
3028 patron.
3029 (19)(a) An event permittee shall display, in a prominent place, a sign in large letters that
3030 consists of text in the following order:
3031 (i) a header that reads: "WARNING";
3032 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
3033 can cause birth defects and permanent brain damage for the child.";
3034 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
3035 Human Services at [insert most current toll-free number] with questions or for

3036 more information.";
3037 (iv) a header that reads: "WARNING"; and
3038 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
3039 a serious crime that is prosecuted aggressively in Utah."
3040 (b)(i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different
3041 font style than the text described in Subsections (19)(a)(iv) and (v).
3042 (ii) The warning statements in the sign described in Subsection (19)(a) shall be in the
3043 same font size.
3044 (c) The Department of Health and Human Services shall work with the commission and
3045 department to facilitate consistency in the format of a sign required under this section.
3046 Section 35. Section **32B-9-305** is amended to read:
3047 **32B-9-305 (Effective upon governor's approval). Specific operational**
3048 **requirements for single event permit.**
3049 (1)(a) In addition to complying with Section 32B-9-204, a single event permittee or a
3050 person involved in the storage, sale, offer for sale, or furnishing of an alcoholic
3051 product at the event shall comply with this section.
3052 (b) Failure to comply as provided in Subsection (1)(a):
3053 (i) may result in:
3054 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
3055 Enforcement Act, against:
3056 (I) a single event permittee;
3057 (II) a person involved in the storage, sale, offer for sale, or furnishing of an
3058 alcoholic product at the event; or
3059 (III) any combination of persons listed in this Subsection (1)(b);
3060 (B) immediate revocation of the single event permit;
3061 (C) forfeiture of a bond; or
3062 (D) immediate seizure of an alcoholic product present at the event; and
3063 (ii) if the single event permit is revoked, disqualifies the single event permittee from
3064 applying for a single event permit or temporary beer event permit for a period of
3065 three years from the date of revocation of the single event permit.
3066 (c) An alcoholic product seized under this Subsection (1) shall be returned to the single
3067 event permittee after an event if forfeiture proceedings are not instituted under
3068 Section 32B-4-206.
3069 (2)(a) A single event permittee shall make and maintain an expense and revenue ledger

3070 or record showing:
3071 (i) expenditures made for:
3072 (A) liquor;
3073 (B) beer;
3074 (C) set-ups; and
3075 (D) an ingredient or component of an alcoholic product other than a set-up; and
3076 (ii) the revenue from the sale of an alcoholic product.
3077 (b) Section 32B-1-205 applies to a record required to be made or maintained in
3078 accordance with this Subsection (2).
3079 (3) A single event permittee shall purchase liquor stored, sold, offered for sale, furnished,
3080 or consumed at an event from a state store or package agency.
3081 (4)(a) A single event permittee may not sell, offer for sale, or furnish a primary
3082 spirituous liquor in a quantity that exceeds 1.5 ounces per beverage, except that
3083 additional spirituous liquor may be used in a beverage if:
3084 (i) used as a secondary flavoring ingredient;
3085 (ii) used in conjunction with the primary spirituous liquor;
3086 (iii) the secondary ingredient is not the only spirituous liquor in the beverage; and
3087 (iv) subject to Subsection 32B-9-204(18):
3088 (A) a patron has no more than 2.5 ounces of spirituous liquor at a time before the
3089 patron; and
3090 (B) a patron has no more than one spirituous liquor drink at a time before the
3091 patron.
3092 (b) Spirituous liquor need not be dispensed through a calibrated metered dispensing
3093 system.
3094 (5)(a) A single event permittee may sell, offer for sale, or furnish wine by the glass or an
3095 individual portion, except that a glass or individual portion may not exceed five
3096 ounces.
3097 (b) A single event permittee may furnish an individual portion served to a patron in
3098 more than one glass if the total amount of wine does not exceed five ounces.
3099 (c) An individual portion of wine is considered to be one alcoholic product under
3100 Subsection 32B-9-204(18).
3101 (d) [~~A~~] Except as provided in Subsection (10), a single event permittee may sell, offer
3102 for sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the
3103 commission.

3104 (6) [~~A~~] Except as provided in Subsection (10), a single event permittee may sell, offer for
3105 sale, or furnish heavy beer in an original container at a price fixed by the commission,
3106 except that the original container may not exceed one liter.
3107 (7) [~~A~~] Except as provided in Subsection (10), a single event permittee may sell, offer for
3108 sale, or furnish a flavored malt beverage in an original container at a price fixed by the
3109 commission, except that the original container may not exceed one liter.
3110 (8) [~~A~~] Except as provided in Subsection (10), a single event permittee may sell liquor only
3111 at a price fixed by the commission.
3112 (9) A single event permittee may perform a service and assess a service charge as
3113 authorized by commission rule for liquor purchased at an event.
3114 (10) This section does not prohibit a single event permittee from rounding the price of
3115 liquor in accordance with Section 32B-2-213.
3116 Section 36. Section **63I-5-201** is amended to read:
3117 **63I-5-201 (Effective 05/06/26). Internal auditing programs -- State agencies.**
3118 (1)(a) The departments of Government Operations, Agriculture, Alcoholic Beverage
3119 Services, Commerce, Cultural and Community Engagement, Corrections, Workforce
3120 Services, Environmental Quality, Health[~~,~~] and Human Services, Natural Resources,
3121 Public Safety, and Transportation, and the State Tax Commission shall conduct
3122 various types of auditing procedures as determined by the agency head or governor.
3123 (b) The governor may, by executive order, require a state agency not described in
3124 Subsection (1)(a) to establish an internal audit program.
3125 (c) The governor shall ensure that each state agency that reports to the governor has
3126 adequate internal audit coverage.
3127 (2)(a) The Administrative Office of the Courts shall establish an internal audit program
3128 under the direction of the Judicial Council, including auditing procedures for courts
3129 not of record.
3130 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
3131 internal audit program.
3132 (3)(a) Utah Tech University, the University of Utah, Utah State University, Salt Lake
3133 Community College, Southern Utah University, Utah Valley University, Weber State
3134 University, and Snow College shall establish an internal audit program under the
3135 direction of the Utah Board of Higher Education.
3136 (b) The Utah Board of Higher Education may issue policies requiring other higher
3137 education entities or programs to establish an internal audit program.

3138 (4) The State Board of Education shall establish an internal audit program that provides
3139 internal audit services for each program administered by the State Board of Education.
3140 [~~(5) Subject to Section 32B-2-302.5, the internal audit division of the Department of~~
3141 ~~Alcoholic Beverage Services shall establish an internal audit program under the~~
3142 ~~direction of the Alcoholic Beverage Services Commission.~~]
3143 Section 37. **Effective Date.**
3144 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.
3145 (2)(a) The actions affecting sections described in Subsection (2)(b) take effect:
3146 (i) except as provided in Subsection (2)(a)(ii), May 6, 2026; or
3147 (ii) if approved by two-thirds of all members elected to each house:
3148 (A) upon approval by the governor;
3149 (B) without the governor's signature, the day following the constitutional time
3150 limit of Utah Constitution, Article VII, Section 8; or
3151 (C) in the case of a veto, the date of veto override.
3152 (b) Subsection (2)(a) applies to the actions affecting the following sections:
3153 (i) Section 32B-2-202 **(Effective upon governor's approval)**;
3154 (ii) Section 32B-2-213 **(Effective upon governor's approval)**;
3155 (iii) Section 32B-2-304 **(Effective upon governor's approval)**;
3156 (iv) Section 32B-2-503 **(Effective upon governor's approval)**;
3157 (v) Section 32B-2-605 **(Effective upon governor's approval)**;
3158 (vi) Section 32B-5-304 **(Effective upon governor's approval)**;
3159 (vii) Section 32B-5-305 **(Effective upon governor's approval)**; and
3160 (viii) Section 32B-9-305 **(Effective upon governor's approval)**.