

Jerry W Stevenson proposes the following substitute bill:

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;

▸ provides that a driver license issued by a foreign country ~~is~~ ~~or a driver license card~~ is a valid proof of age;

▸ 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;

▸ 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;

- 28 ▶ provides that the Alcoholic Beverage Services Commission (commission) may propose
 29 internal audit policies and recommend changes to the division's internal audit plan;
 30 ▶ amends provisions relating to the commission's authority to deny a license;
 31 ▶ removes the requirement that a liquor storage area be locked at all times;
 32 ▶ provides the conditions under which a patron may transport an alcoholic beverage from a
 33 bar establishment to a restaurant establishment;
 34 ▶ amends the percentage requirement of alcohol to food that a licensee shall maintain;
 35 ▶ describes the language that the department shall require in each off-premise beer retailer
 36 display;
 37 ▶ requires that the department make a report to the Legislative Management Committee
 38 regarding the language the department requires that an off-premise beer retailer display;
 39 ▶ increases the number of reception center licenses that the commission may issue;
 40 ▶ removes the notice requirements relating to issuing an event permit; ~~§~~→ **and**[

40a - **amends the definition of "beer"; and] ←§**

- 42 ▶ makes technical changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 This bill provides a special effective date.

47 **Utah Code Sections Affected:**

48 AMENDS:

49 **32B-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
 50 Session, Chapter 16

51 **32B-1-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162

52 **32B-1-202.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 371

53 **32B-1-407 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
 54 Chapter 471

55 **32B-2-202 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023,
 56 Chapter 371

57 **32B-2-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 345

58 **32B-2-213 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
 59 Chapter 94

60 **32B-2-302.5 (Effective 05/06/26)**, as enacted by Laws of Utah 2012, Chapter 365

61 **32B-2-304 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,

62 Chapter 94
63 **32B-2-503 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
64 Chapter 94
65 **32B-2-605 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
66 Chapter 94
67 **32B-3-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
68 **32B-4-405 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471
69 **32B-5-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162
70 **32B-5-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 403
71 **32B-5-304 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
72 Chapter 162
73 **32B-5-305 (Effective upon governor's approval)**, as last amended by Laws of Utah 2011,
74 Chapter 334
75 **32B-5-306 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471
76 **32B-5-307 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162
77 **32B-6-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
78 **32B-6-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 403
79 **32B-6-605 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 162
80 **32B-6-803 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Sixth Special
81 Session, Chapter 6
82 **32B-6-805 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 219
83 **32B-6-903 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 403
84 **32B-7-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 162,
85 173
86 **32B-8-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
87 **32B-8b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
88 **32B-8b-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 94
89 **32B-8c-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 219
90 **32B-9-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 219
91 **32B-9-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 371
92 **32B-9-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
93 **32B-9-305 (Effective upon governor's approval)**, as last amended by Laws of Utah 2011,
94 Chapters 307, 334
95 **63I-5-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapters 169,

96 447

97

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

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

100 **32B-1-102 (Effective 05/06/26). Definitions.**

101 As used in this title:

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

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

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

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

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

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

108 (a) beer; or

109 (b) liquor.

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

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

112 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
113 process that uses liquid or combinations of liquids, whether drinkable or not, to
114 create alcohol in an amount equal to or greater than .5% of alcohol by volume.

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

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

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

119 (ii) vinegar;

120 (iii) preserved nonintoxicating cider;

121 (iv) essence;

122 (v) tincture;

123 (vi) food preparation; or

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

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

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

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

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

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

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

- 197 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
198 (A) is used in the production of beer;
199 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
200 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
201 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 202 (c) "Beer" does not include:
203 (i) a flavored malt beverage;
204 (ii) a product that contains alcohol derived from:
205 (A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or
206 (B) wine; or
207 (iii) a product that contains an additive masking or altering a physiological effect of
208 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
209 tetrahydrocannabinol.
- 210 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
211 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 212 (14) "Beer retailer" means a business that:
213 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
214 consumption on or off the business premises; and
215 (b) is licensed as:
216 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
217 Beer Retailer Local Authority; or
218 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
219 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 220 (15) "Beer wholesaling license" means a license:
221 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
222 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
223 licensees or off-premise beer retailers.
- 224 (16) "Billboard" means a public display used to advertise, including:
225 (a) a light device;
226 (b) a painting;
227 (c) a drawing;
228 (d) a poster;
229 (e) a sign;
230 (f) a signboard; or

- 231 (g) a scoreboard.
- 232 (17) "Brewer" means a person engaged in manufacturing:
- 233 (a) beer;
- 234 (b) heavy beer; or
- 235 (c) a flavored malt beverage.
- 236 (18) "Brewery manufacturing license" means a license issued in accordance with Chapter
- 237 11, Part 5, Brewery Manufacturing License.
- 238 (19) "Certificate of approval" means a certificate of approval obtained from the department
- 239 under Section 32B-11-201.
- 240 (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a
- 241 bus company to a group of persons pursuant to a common purpose:
- 242 (a) under a single contract;
- 243 (b) at a fixed charge in accordance with the bus company's tariff; and
- 244 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 245 motor vehicle, and a driver to travel together to one or more specified destinations.
- 246 (21) "Church" means a building:
- 247 (a) set apart for worship;
- 248 (b) in which religious services are held;
- 249 (c) with which clergy is associated; and
- 250 (d) that is tax exempt under the laws of this state.
- 251 (22) "Commission" means the Alcoholic Beverage Services Commission created in Section
- 252 32B-2-201.
- 253 (23) "Commissioner" means a member of the commission.
- 254 (24) "Community location" means:
- 255 (a) a public or private school as defined in Subsection [~~(116)~~] (118);
- 256 (b) a church;
- 257 (c) a public library;
- 258 (d) a public playground; or
- 259 (e) a public park.
- 260 (25) "Community location governing authority" means:
- 261 (a) the governing body of the community location; or
- 262 (b) if the commission does not know who is the governing body of a community
- 263 location, a person who appears to the commission to have been given on behalf of the
- 264 community location the authority to prohibit an activity at the community location.

265 (26) "Consent of the local authority" means a written document in which a local authority
 266 gives consent to the commission to consider issuing a license, permit, or package agency
 267 within the boundaries of the local authority.

268 ~~[(26)]~~ (27) "Container" means a receptacle that contains an alcoholic product, including:

- 269 (a) a bottle;
- 270 (b) a vessel; or
- 271 (c) a similar item.

272 ~~[(27)]~~ (28) "Controlled group of manufacturers" means as the commission defines by rule
 273 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

274 ~~[(28)]~~ (29) "Convention center" means a facility that is:

- 275 (a) in total at least 30,000 square feet; and
- 276 (b) otherwise defined as a "convention center" by the commission by rule.

277 ~~[(29)]~~ (30)(a) "Counter" means a surface or structure in a dining area of a licensed
 278 premises where seating is provided to a patron for service of food.

279 (b) "Counter" does not include a dispensing structure.

280 ~~[(30)]~~ (31) "Crime involving moral turpitude" [is as defined by the commission by rule]
 281 means the same as the commission defines that term by rule.

282 ~~[(31)]~~ (32) "Department" means the Department of Alcoholic Beverage Services created in
 283 Section 32B-2-203.

284 ~~[(32)]~~ (33) "Department compliance officer" means an individual who is:

- 285 (a) an auditor or inspector; and
- 286 (b) employed by the department.

287 ~~[(33)]~~ (34) "Department sample" means liquor that is placed in the possession of the
 288 department for testing, analysis, and sampling.

289 ~~[(34)]~~ (35) "Dining club license" means a license issued in accordance with Chapter 5,
 290 Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated
 291 by the commission as a dining club license.

292 ~~[(35)]~~ (36) "Director," unless the context requires otherwise, means the director of the
 293 department.

294 ~~[(36)]~~ (37) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
 295 title:

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

298 ~~[(37)]~~ (38)(a) Subject to Subsection ~~[(37)(b)]~~ (38)(b), "dispense" means:

- 299 (i) drawing an alcoholic product; and
300 (ii) using the alcoholic product at the location from which it was drawn to mix or
301 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 302 (b) The definition of "dispense" in this Subsection [~~(37)~~] (38) applies only to:
- 303 (i) a full-service restaurant license;
304 (ii) a limited-service restaurant license;
305 (iii) a reception center license;
306 (iv) a beer-only restaurant license;
307 (v) a bar license;
308 (vi) an on-premise beer retailer;
309 (vii) an airport lounge license;
310 (viii) an on-premise banquet license; and
311 (ix) a hospitality amenity license.
- 312 [~~(38)~~] (39) "Dispensing structure" means a surface or structure on a licensed premises:
313 (a) where an alcoholic product is dispensed; or
314 (b) from which an alcoholic product is served.
- 315 [~~(39)~~] (40) "Distillery manufacturing license" means a license issued in accordance with
316 Chapter 11, Part 4, Distillery Manufacturing License.
- 317 [~~(40)~~] (41) "Distressed merchandise" means an alcoholic product in the possession of the
318 department that is saleable, but for some reason is unappealing to the public.
- 319 [~~(41)~~] (42) "Domestic airport" means an airport that:
320 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
321 (b) receives scheduled commercial passenger aircraft service; and
322 (c) is not an international airport.
- 323 [~~(42)~~] (43) "Equity license" means a license issued in accordance with Chapter 5, Retail
324 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
325 commission as an equity license.
- 326 [~~(43)~~] (44) "Event permit" means:
327 (a) a single event permit; or
328 (b) a temporary beer event permit.
- 329 [~~(44)~~] (45) "Exempt license" means a license exempt under Section 32B-1-201 from being
330 considered in determining the total number of retail licenses that the commission may
331 issue at any time.
- 332 [~~(45)~~] (46)(a) "Flavored malt beverage" means a beverage:

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

- 367 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
368 Nurse Practice Act;
- 369 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
370 Practice Act;
- 371 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
372 Therapy Practice Act;
- 373 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 374 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
375 Professional Practice Act;
- 376 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 377 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
378 Act;
- 379 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
380 Hygienist Practice Act; and
- 381 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
382 Act.

383 [(52)] (53)(a) "Heavy beer" means a product that:

- 384 (i)(A) contains more than 5% alcohol by volume;
- 385 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
386 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
387 ethanol-based flavoring agent that contributes more than 10% of the overall
388 alcohol content of the product; or
- 389 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
390 volume or 4% by weight, and has a label or packaging that is rejected under
391 Subsection 32B-1-606(3)(b); and
- 392 (ii) is obtained by fermentation, infusion, or decoction of:
- 393 (A) malt; or
- 394 (B) a malt substitute.
- 395 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
396 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
397 contributes to the overall alcohol content of the heavy beer.
- 398 (c) "Heavy beer" does not include:
- 399 (i) a flavored malt beverage;
- 400 (ii) a product that contains alcohol derived from:

- 401 (A) except as provided in Subsections [~~(52)(a)(i)(B)~~] (53)(a)(i)(B) and [~~(52)(b)~~]
 402 (53)(b), spirituous liquor; or
 403 (B) wine; or
 404 (iii) a product that contains an additive masking or altering a physiological effect of
 405 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
 406 tetrahydrocannabinol.
- 407 (d) "Heavy beer" is considered liquor for the purposes of this title.
- 408 [~~(53)~~] (54) "Hospitality amenity license" means a license issued in accordance with Chapter
 409 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 410 [~~(54)~~] (55)(a) "Hotel" means a commercial lodging establishment that:
- 411 (i) offers at least [~~40~~] 30 rooms as temporary sleeping accommodations for
 412 compensation;
- 413 (ii) is capable of hosting conventions, conferences, and food and beverage functions
 414 under a banquet contract; and
- 415 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
 416 complete meals;
- 417 (B) has at least 1,000 square feet of function space consisting of meeting or dining
 418 rooms that can be reserved for a banquet and can accommodate at least 75
 419 individuals; or
- 420 (C) if the establishment is located in a small or unincorporated locality, has an
 421 appropriate amount of function space consisting of meeting or dining rooms
 422 that can be reserved for private use under a banquet contract, as determined by
 423 the commission.
- 424 (b) "Hotel" includes a commercial lodging establishment that:
- 425 (i) meets the requirements under Subsection [~~(54)(a)~~] (55)(a); and
 426 (ii) has one or more privately owned dwelling units.
- 427 [~~(55)~~] (56) "Hotel license" means a license issued in accordance with Chapter 5, Retail
 428 License Act, and Chapter 8b, Hotel License Act.
- 429 [~~(56)~~] (57) "Identification card" means an identification card issued under Title 53, Chapter
 430 3, Part 8, Identification Card Act.
- 431 [~~(57)~~] (58) "Industry representative" means an individual who is compensated by salary,
 432 commission, or other means for representing and selling an alcoholic product of a
 433 manufacturer, supplier, or importer of liquor.
- 434 [~~(58)~~] (59) "Industry representative sample" means liquor that is placed in the possession of

435 the department for testing, analysis, and sampling by a local industry representative on
436 the premises of the department to educate the local industry representative of the quality
437 and characteristics of the product.

438 [(59)] (60)(a) "Interdicted person" means a person to whom the sale, offer for sale, or
439 furnishing of an alcoholic product is prohibited by:

440 (i) law; or

441 (ii) court order.

442 (b) "Interdicted person" includes a person who voluntarily obtains a driver license
443 certificate under Section 53-3-236 or an identification card under Section 53-3-805
444 with an interdicted person identifier.

445 [(60)] (61) "International airport" means an airport:

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

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

449 [(61)] (62) "Intoxicated" or "intoxication" means that

450 an individual exhibits plain and easily observable outward manifestations of behavior or
451 physical signs produced by or as a result of the use of:

452 (a) an alcoholic product;

453 (b) a controlled substance;

454 (c) a substance having the property of releasing toxic vapors; or

455 (d) a combination of products or substances described in Subsections [(61)(a)] (62)(a)
456 through (c).

457 [(62)] (63) "Investigator" means an individual who is:

458 (a) a department compliance officer; or

459 (b) a nondepartment enforcement officer.

460 [(63)] (64) "License" means:

461 (a) a retail license;

462 (b) a sublicense;

463 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
464 License;

465 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
466 Act;

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

468 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or

- 469 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
470 ~~[(64)]~~ (65) "Licensee" means a person who holds a license.
- 471 ~~[(65)]~~ (66) "Limited-service restaurant license" means a license issued in accordance with
472 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant
473 License.
- 474 ~~[(66)]~~ (67) "Limousine" means a motor vehicle licensed by the state or a local authority,
475 other than a bus or taxicab:
- 476 (a) in which the driver and a passenger are separated by a partition, glass, or other
477 barrier;
- 478 (b) that is provided by a business entity to one or more individuals at a fixed charge in
479 accordance with the business entity's tariff; and
- 480 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
481 travel to one or more specified destinations.
- 482 ~~[(67)]~~ (68)(a)(i) "Liquor" means a liquid that:
- 483 (A) is:
- 484 (I) alcohol;
- 485 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 486 (III) a combination of liquids a part of which is spirituous, vinous, or
487 fermented; or
- 488 (IV) other drink or drinkable liquid; and
- 489 (B)(I) contains at least .5% alcohol by volume; and
- 490 (II) is suitable to use for beverage purposes.
- 491 (ii) "Liquor" includes:
- 492 (A) heavy beer;
- 493 (B) wine; and
- 494 (C) a flavored malt beverage.
- 495 (b) "Liquor" does not include beer.
- 496 ~~[(68)]~~ (69) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 497 ~~[(69)]~~ (70) "Liquor transport license" means a license issued in accordance with Chapter 17,
498 Liquor Transport License Act.
- 499 ~~[(70)]~~ (71) "Liquor warehousing license" means a license that is issued:
- 500 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 501 (b) to a person, other than a licensed manufacturer, who engages in the importation for
502 storage, sale, or distribution of liquor regardless of amount.

- 503 ~~[(71)]~~ (72) "Local authority" means:
- 504 (a) for premises that are located in an unincorporated area of a county, the governing
- 505 body of a county;
- 506 (b) for premises that are located in an incorporated city or town, the governing body of
- 507 the city or town;~~[-or]~~
- 508 (c) the Point of the Mountain State Land Authority created in Section 11-59-201; or
- 509 ~~[(e)]~~ (d) for premises that are located in a project area as defined in Section 63H-1-102
- 510 and in a project area plan adopted by the Military Installation Development Authority
- 511 under Title 63H, Chapter 1, Military Installation Development Authority Act, the
- 512 Military Installation Development Authority.
- 513 ~~[(72)]~~ (73) "Lounge or bar area" ~~[is as defined by rule made by the commission]~~ means the
- 514 same as the commission defines that term by rule.
- 515 ~~[(73)]~~ (74) "Malt substitute" means:
- 516 (a) rice;
- 517 (b) grain;
- 518 (c) bran;
- 519 (d) glucose;
- 520 (e) sugar; or
- 521 (f) molasses.
- 522 ~~[(74)]~~ (75) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment,
- 523 or otherwise make an alcoholic product for personal use or for sale or distribution to
- 524 others.
- 525 (76) "Markup cost" means the amount a person pays to the department for an alcoholic
- 526 product in accordance with Section 32B-2-304.
- 527 ~~[(75)]~~ (77) "Member" means an individual who, after paying regular dues, has full privileges
- 528 in an equity licensee or fraternal licensee.
- 529 ~~[(76)]~~ (78)(a) "Military installation" means a base, air field, camp, post, station, yard,
- 530 center, or homeport facility for a ship:
- 531 (i)(A) under the control of the United States Department of Defense; or
- 532 (B) of the National Guard;
- 533 (ii) that is located within the state; and
- 534 (iii) including a leased facility.
- 535 (b) "Military installation" does not include a facility used primarily for:
- 536 (i) civil works;

- 537 (ii) a rivers and harbors project; or
538 (iii) a flood control project.
- 539 [~~(77)~~] (79) "Minibar" means an area of a hotel guest room where one or more alcoholic
540 products are kept and offered for self-service sale or consumption.
- 541 [~~(78)~~] (80) "Minor" means an individual under 21 years old.
- 542 [~~(79)~~] (81) "Nondepartment enforcement agency" means an agency that:
543 (a)(i) is a state agency other than the department; or
544 (ii) is an agency of a county, city, or town; and
545 (b) has a responsibility to enforce one or more provisions of this title.
- 546 [~~(80)~~] (82) "Nondepartment enforcement officer" means an individual who is:
547 (a) a peace officer, examiner, or investigator; and
548 (b) employed by a nondepartment enforcement agency.
- 549 [~~(81)~~] (83)(a) "Off-premise beer retailer" means a beer retailer who is:
550 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
551 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
552 premises.
- 553 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 554 [~~(82)~~] (84) "Off-premise beer retailer state license" means a state license issued in
555 accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 556 [~~(83)~~] (85) "On-premise banquet license" means a license issued in accordance with Chapter
557 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 558 [~~(84)~~] (86) "On-premise beer retailer" means a beer retailer who is:
559 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
560 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
561 License; and
562 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
563 premises:
564 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
565 premises; and
566 (ii) on and after March 1, 2012, operating:
567 (A) as a tavern; or
568 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 569 [~~(85)~~] (87) "Opaque" means impenetrable to sight.
- 570 [~~(86)~~] (88) "Package agency" means a retail liquor location operated:

- 571 (a) under an agreement with the department; and
572 (b) by a person:
573 (i) other than the state; and
574 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
575 Package Agency, to sell packaged liquor for consumption off the premises of the
576 package agency.

577 [~~87~~] (89) "Package agent" means a person who holds a package agency.

578 [~~88~~] (90) "Patron" means an individual to whom food, beverages, or services are sold,
579 offered for sale, or furnished, or who consumes an alcoholic product including:

- 580 (a) a customer;
581 (b) a member;
582 (c) a guest;
583 (d) an attendee of a banquet or event;
584 (e) an individual who receives room service;
585 (f) a resident of a resort; or
586 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
587 license.

588 [~~89~~] (91)(a) "Performing arts facility" means a multi-use performance space that:

- 589 (i) is primarily used to present various types of performing arts, including dance,
590 music, and theater;
591 (ii) contains over 2,500 seats;
592 (iii) is owned and operated by a governmental entity; and
593 (iv) is located in a city of the first class.

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

596 [~~90~~] (92) "Permittee" means a person issued a permit under:

- 597 (a) Chapter 9, Event Permit Act; or
598 (b) Chapter 10, Special Use Permit Act.

599 [~~91~~] (93) "Person subject to administrative action" means:

- 600 (a) a licensee;
601 (b) a permittee;
602 (c) a manufacturer;
603 (d) a supplier;
604 (e) an importer;

- 605 (f) one of the following holding a certificate of approval:
- 606 (i) an out-of-state brewer;
- 607 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 608 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 609 (g) staff of:
- 610 (i) a person listed in Subsections [~~(91)~~(a)] (93)(a) through (f); or
- 611 (ii) a package agent.
- 612 [~~(92)~~] (94) "Premises" means a building, enclosure, or room used in connection with the
- 613 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic
- 614 product, unless otherwise defined in this title or rules made by the commission.
- 615 [~~(93)~~] (95) "Prescription" means an order issued by a health care practitioner when:
- 616 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 617 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 618 (b) the order is made in the course of that health care practitioner's professional practice;
- 619 and
- 620 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 621 [~~(94)~~] (96)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 622 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 623 [~~(95)~~] (97) "Principal license" means:
- 624 (a) a resort license;
- 625 (b) a hotel license; or
- 626 (c) an arena license.
- 627 [~~(96)~~] (98)(a) "Private event" means a specific social, business, or recreational event:
- 628 (i) for which an entire room, area, or hall is leased or rented in advance by an
- 629 identified group; and
- 630 (ii) that is limited in attendance to people who are specifically designated and their
- 631 guests.
- 632 (b) "Private event" does not include an event to which the general public is invited,
- 633 whether for an admission fee or not.
- 634 [~~(97)~~] (99) "Privately sponsored event" means a specific social, business, or recreational
- 635 event:
- 636 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 637 (b) to which entry is restricted by an admission fee.
- 638 [~~(98)~~] (100) ~~§~~ → ~~[(a)]~~ ← ~~§~~ "Proof of age" means:

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

667 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
668 License;

669 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
670 license under Chapter 6, Part 4, Bar Establishment License;

671 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
672 banquet license under Chapter 6, Part 6, On-Premise Banquet License;

673 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
674 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;

675 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
676 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;

677 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
678 license under Chapter 6, Part 10, Hospitality Amenity License; and

679 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
680 Part 2, Resort Spa Sublicense.

681 ~~[(100)]~~ (102)(a) "Public building" means a building or permanent structure that is:

682 (i) owned or leased by:

683 (A) the state; or

684 (B) a local government entity; and

685 (ii) used for:

686 (A) public education;

687 (B) transacting public business; or

688 (C) regularly conducting government activities.

689 (b) "Public building" does not include a building owned by the state or a local
690 government entity when the building is used by a person, in whole or in part, for a
691 proprietary function.

692 ~~[(101)]~~ (103) "Public conveyance" means a conveyance that the public or a portion of the
693 public has access to and a right to use for transportation, including an airline, railroad,
694 bus, boat, or other public conveyance.

695 ~~[(102)]~~ (104) "Reception center" means a business that:

696 (a) operates facilities that are at least 5,000 square feet; and

697 (b) has as its primary purpose the leasing of the facilities described in Subsection [
698 ~~(102)(a)]~~ (104)(a) to a third party for the third party's event.

699 ~~[(103)]~~ (105) "Reception center license" means a license issued in accordance with Chapter
700 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.

- 701 [(104)] (106)(a) "Record" means information that is:
- 702 (i) inscribed on a tangible medium; or
- 703 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 704 (b) "Record" includes:
- 705 (i) a book;
- 706 (ii) a book of account;
- 707 (iii) a paper;
- 708 (iv) a contract;
- 709 (v) an agreement;
- 710 (vi) a document; or
- 711 (vii) a recording in any medium.
- 712 [(105)] (107) "Residence" means a person's principal place of abode within Utah.
- 713 [(106)] (108) "Resident," in relation to a resort, means the same as that term is defined in
- 714 Section 32B-8-102.
- 715 [(107)] (109) "Resort" means the same as that term is defined in Section 32B-8-102.
- 716 [(108)] (110) "Resort facility" ~~[is as defined by the commission by rule]~~ means the same as
- 717 the commission defines that term by rule.
- 718 [(109)] (111) "Resort license" means a license issued in accordance with Chapter 5, Retail
- 719 License Act, and Chapter 8, Resort License Act.
- 720 [(110)] (112) "Responsible alcohol service plan" means a written set of policies and
- 721 procedures that outlines measures to prevent employees from:
- 722 (a) over-serving alcoholic beverages to customers;
- 723 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
- 724 intoxicated; and
- 725 (c) serving alcoholic beverages to minors.
- 726 [(111)] (113) "Restaurant" means a business location:
- 727 (a) at which a variety of foods are prepared;
- 728 (b) at which complete meals are served; and
- 729 (c) that is engaged primarily in serving meals.
- 730 [(112)] (114) "Restaurant license" means one of the following licenses issued under this title:
- 731 (a) a full-service restaurant license;
- 732 (b) a limited-service restaurant license; or
- 733 (c) a beer-only restaurant license.
- 734 [(113)] (115) "Restaurant venue" means a room within a restaurant that:

- 735 (a) is located on the licensed premises of a restaurant licensee;
 736 (b) is separated from the area within the restaurant for a patron's consumption of food by
 737 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
 738 visible to a patron in the area within the restaurant for a patron's consumption of
 739 food; and

740 (c)(i) has at least 1,000 square feet that:

741 (A) may be reserved for a banquet; and

742 (B) accommodates at least 75 individuals; or

743 (ii) if the restaurant is located in a small or unincorporated locality, has an
 744 appropriate amount of space, as determined by the commission, that may be
 745 reserved for a banquet.

746 [~~(114)~~] (116) "Retail license" means one of the following licenses issued under this title:

747 (a) a full-service restaurant license;

748 (b) a master full-service restaurant license;

749 (c) a limited-service restaurant license;

750 (d) a master limited-service restaurant license;

751 (e) a bar establishment license;

752 (f) an airport lounge license;

753 (g) an on-premise banquet license;

754 (h) an on-premise beer license;

755 (i) a reception center license;

756 (j) a beer-only restaurant license;

757 (k) a hospitality amenity license;

758 (l) a resort license;

759 (m) a hotel license; or

760 (n) an arena license.

761 [~~(115)~~] (117) "Room service" means furnishing an alcoholic product to a person in a guest
 762 room or privately owned dwelling unit of a:

763 (a) hotel; or

764 (b) resort facility.

765 [~~(116)~~] (118)(a) "School" means a building in which any part is used for more than three
 766 hours each weekday during a school year as a public or private:

767 (i) elementary school;

768 (ii) secondary school; or

769 (iii) kindergarten.

770 (b) "School" does not include:

771 (i) a nursery school;

772 (ii) a day care center;

773 (iii) a trade and technical school;

774 (iv) a preschool;

775 (v) a home school;

776 (vi) a home-based microschool as defined in Section 53G-6-201; or

777 (vii) a micro-education entity as defined in Section 53G-6-201.

778 [~~(117)~~] (119) "Secondary flavoring ingredient" means any spirituous liquor added to a
779 beverage for additional flavoring that is different in type, flavor, or brand from the
780 primary spirituous liquor in the beverage.

781 [~~(118)~~] (120) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
782 consideration, an alcoholic product is either directly or indirectly transferred, solicited,
783 ordered, delivered for value, or by a means or under a pretext is promised or obtained,
784 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined
785 in this title or the rules made by the commission.

786 [~~(119)~~] (121) "Serve" means to place an alcoholic product before an individual.

787 [~~(120)~~] (122) "Sexually oriented entertainer" means a person who while in a state of
788 seminudity appears at or performs:

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

790 (b) on the premises of:

791 (i) a bar licensee; or

792 (ii) a tavern;

793 (c) on behalf of or at the request of the licensee described in Subsection [~~(120)~~](b)
794 (122)(b);

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

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

797 (i) an employee;

798 (ii) an independent contractor;

799 (iii) an agent of the licensee; or

800 (iv) a different type of classification.

801 [~~(121)~~] (123) "Shared seating area" means the licensed premises of two or more restaurant
802 licensees that the restaurant licensees share as an area for alcoholic beverage

- 803 consumption in accordance with Subsection 32B-5-207(3).
- 804 [(122)] (124) "Single event permit" means a permit issued in accordance with Chapter 9,
805 Part 3, Single Event Permit.
- 806 [(123)] (125) "Small brewer" means a brewer who manufactures less than 60,000 barrels of
807 beer, heavy beer, and flavored malt beverage per year, as the department calculates by:
808 (a) if the brewer is part of a controlled group of manufacturers, including the combined
809 volume totals of production for all breweries that constitute the controlled group of
810 manufacturers; and
811 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
812 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
813 determines by rule made in accordance with Title 63G, Chapter 3, Utah
814 Administrative Rulemaking Act; and
815 (ii) does not sell for consumption as, or in, a beverage.
- 816 [(124)] (126) "Small or unincorporated locality" means:
817 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
818 (b) a town, as classified under Section 10-2-301; or
819 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
820 under Section 17-60-104.
- 821 [(125)] (127) "Spa sublicense" means a sublicense:
822 (a) to a resort license or hotel license; and
823 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
824 Sublicense.
- 825 [(126)] (128) "Special use permit" means a permit issued in accordance with Chapter 10,
826 Special Use Permit Act.
- 827 [(127)] (129)(a) "Spirituous liquor" means liquor that is distilled.
828 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
829 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.
- 830 [(128)] (130) "Sports center" [~~is as defined by the commission by rule~~] means the same as
831 the commission defines that term by rule.
- 832 [(129)] (131)(a) "Staff" means an individual who engages in activity governed by this
833 title:
834 (i) on behalf of a business, including a package agent, licensee, permittee, or
835 certificate holder;
836 (ii) at the request of the business, including a package agent, licensee, permittee, or

837 certificate holder; or

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

840 (b) "Staff" includes:

841 (i) an officer;

842 (ii) a director;

843 (iii) an employee;

844 (iv) personnel management;

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

846 (vi) an operator; or

847 (vii) a representative.

848 [~~(130)~~] (132) "State of nudity" means:

849 (a) the appearance of:

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

851 (ii) a human genital;

852 (iii) a human pubic area; or

853 (iv) a human anus; or

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

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

856 (ii) a human genital;

857 (iii) a human pubic area; or

858 (iv) a human anus.

859 [~~(131)~~] (133) "State of seminudity" means a state of dress in which opaque clothing covers
860 no more than:

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

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

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

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

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

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

868 [~~(132)~~] (134)(a) "State store" means a facility for the sale of packaged liquor:

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

870 (ii) operated by a state employee.

- 871 (b) "State store" does not include:
- 872 (i) a package agency;
- 873 (ii) a licensee; or
- 874 (iii) a permittee.
- 875 ~~[(133)]~~ (135)(a) "Storage area" means an area on licensed premises where the licensee
- 876 stores an alcoholic product.
- 877 (b) "Store" means to place or maintain in a location an alcoholic product.
- 878 ~~[(134)]~~ (136) "Sublicense" means:
- 879 (a) any of the following licenses issued as a subordinate license to, and contingent on the
- 880 issuance of, a principal license:
- 881 (i) a full-service restaurant license;
- 882 (ii) a limited-service restaurant license;
- 883 (iii) a bar establishment license;
- 884 (iv) an on-premise banquet license;
- 885 (v) an on-premise beer retailer license;
- 886 (vi) a beer-only restaurant license; or
- 887 (vii) a hospitality amenity license; or
- 888 (b) a spa sublicense.
- 889 ~~[(135)]~~ (137) "Supplier" means a person who sells an alcoholic product to the department.
- 890 ~~[(136)]~~ (138) "Tavern" means an on-premise beer retailer who is:
- 891 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
- 892 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 893 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
- 894 On-Premise Beer Retailer License.
- 895 ~~[(137)]~~ (139) "Temporary beer event permit" means a permit issued in accordance with
- 896 Chapter 9, Part 4, Temporary Beer Event Permit.
- 897 ~~[(138)]~~ (140) "Temporary domicile" means the principal place of abode within Utah of a
- 898 person who does not have a present intention to continue residency within Utah
- 899 permanently or indefinitely.
- 900 ~~[(139)]~~ (141) "Translucent" means a substance that allows light to pass through, but does not
- 901 allow an object or person to be seen through the substance.
- 902 ~~[(140)]~~ (142) "Unsaleable liquor merchandise" means a container that:
- 903 (a) is unsaleable because the container is:
- 904 (i) unlabeled;

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

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

973 or restaurant, may operate under the previously approved variance regardless of
974 whether:

- 975 (i) the outlet or restaurant changes ownership;
- 976 (ii) the property on which the outlet or restaurant is located changes ownership; or
- 977 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the
978 same type of license, unless during the lapse, the property is used for a different
979 purpose.

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

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

- 988 (a) the outlet or restaurant changes ownership;
- 989 (b) the property on which the outlet or restaurant is located changes ownership; or
- 990 (c) there is a lapse of one year or less in the use of the property as an outlet or a
991 restaurant with the same type of license, unless during the lapse the property is used
992 for a different purpose.

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

- 1000 (i) the outlet or restaurant changes ownership;
- 1001 (ii) the property on which the outlet or restaurant is located changes ownership; or
- 1002 (iii) there is a lapse in the use of the property as an outlet or a restaurant with the
1003 same type of license, unless during the lapse the property is used for a different
1004 purpose.

1005 (b) The provisions of this Subsection (5) apply regardless of when the outlet's or
1006 restaurant's license is issued.

- 1007 (6) The proximity requirements described in Subsection (2) do not apply:
- 1008 (a) if the proposed outlet or proposed restaurant and the community location are located
- 1009 within the boundaries of a designated project area zone; or
- 1010 (b) if a local authority includes in the ~~written~~ consent of the local authority an
- 1011 acknowledgment and authorization of the outlet's or the restaurant's proximity to a
- 1012 public park, including any connected trail system, if the public park and connected
- 1013 trail system are:
- 1014 (i) at least 12 acres in size;
- 1015 (ii) on land the state owns; and
- 1016 (iii) managed by the Point of the Mountain State Land Authority created in Section
- 1017 11-59-201.
- 1018 (7)(a) Subject to Subsection (7)(b), the commission may issue a license to a restaurant
- 1019 that does not meet the proximity requirements of Subsection (2), if a local authority:
- 1020 (i) includes in the consent of the local authority an acknowledgment and
- 1021 authorization of the restaurant's proximity to a community location; and
- 1022 (ii) subject to Subsection (8), at least 30 days before the day on which the local
- 1023 authority issues the consent of the local authority, holds a public meeting in which
- 1024 the local authority shall give the public the opportunity to comment on the
- 1025 proposed location of the restaurant.
- 1026 (b) Subsection (7)(a) does not apply if the community location is a church or school.
- 1027 (8) In addition to the meeting requirement described in Subsection (7)(a)(ii), if the
- 1028 §→ [community location] local authority ←§ is the Point of the Mountain State
- 1027a Land Authority created in Section
- 1029 11-59-201, before the day on which §→ [a] the ←§ local authority holds the public
- 1028a meeting described
- 1030 in Subsection (7)(a)(ii), the municipality in which the §→ [community location]
- 1029a local authority ←§ is located
- 1031 shall hold a separate public meeting in which the municipality shall give the public the
- 1032 opportunity to comment on the proposed location of the restaurant.
- 1033 ~~(7)~~ (9) Nothing in this section prevents the commission from considering the proximity of
- 1034 an educational, religious, and recreational facility, or any other relevant factor in
- 1035 reaching a decision on a proposed location of an outlet.

1036 Section 3. Section **32B-1-202.1** is amended to read:

1037 **32B-1-202.1 (Effective 05/06/26). Proximity for certain hotel and arena licensees.**

- 1038 (1) As used in this section, "hotel" means the same as that term is defined in Section
1039 32B-8b-102.
- 1040 (2) The commission may issue a hotel license for a proposed location that does not meet the
1041 proximity requirements under Section 32B-1-202, if:
- 1042 (a)(i) the proposed hotel is:
- 1043 [(i)] (A) located in a city classified as a city of the first class under Section
1044 10-2-301;
- 1045 [(ii)] (B) within 650 feet of two community locations, as measured from the
1046 nearest patron entrance of the proposed hotel by following the shortest route of
1047 ordinary pedestrian travel to the property boundary of each community
1048 location;
- 1049 [(iii)] (C) not within 300 feet of a community location, as measured from the
1050 nearest patron entrance of the proposed hotel by following the shortest route of
1051 ordinary pedestrian travel to the property boundary of the community location;
1052 and
- 1053 [(iv)] (D) not within 200 feet of a community location, as measured in a straight
1054 line from the nearest patron entrance of the proposed hotel to the nearest
1055 property boundary of the community location; or
- 1056 (ii) the community location is not a school or church, a local authority:
- 1057 (A) includes in the consent of the local authority an acknowledgment and
1058 authorization of the hotel's proximity to a community location; and
- 1059 (B) subject to Subsection (5), at least 30 days before the day on which the local
1060 authority issues the consent of the local authority, holds a public meeting in
1061 which the local authority shall give the public the opportunity to comment on
1062 the proposed location of the hotel;
- 1063 (b) the proposed sublicensed premises of a bar establishment sublicense under the hotel
1064 license:
- 1065 (i) is on the second or higher floor of a hotel;
- 1066 (ii) is not accessible at street level; and
- 1067 (iii) is only accessible to an individual who passes through another area of the hotel
1068 in which the bar establishment sublicense is located; and
- 1069 (c) the applicant meets all other criteria under this title for the hotel license.
- 1070 (3) The commission may issue authority to operate as a package agency to a hotel licensee
1071 who meets the requirements described in Subsection (2).

1072 (4)(a) The commission may issue an arena license for a proposed location that does not
 1073 meet the proximity requirements described in Section 32B-1-202, if, on the day
 1074 before the day on which the commission issues the license, each proposed sublicense
 1075 of the arena license:
 1076 (i) operates as an outlet or restaurant; and
 1077 (ii)(A) operates on the proposed sublicense premises under a variance to one or
 1078 more proximity requirements in accordance with Section 32B-1-202; or
 1079 (B) has been in operation on the proposed sublicense premises for at least 10 years.
 1080 (b) After the commission issues an arena license in accordance with Subsection (4)(a),
 1081 the commission may not issue the arena licensee an additional sublicense.

1082 (5) In addition to the meeting requirement described in Subsection (2)(a)(ii)(B), if the
 1083 Ŝ → [community location] local authority ←Ŝ is the Point of the Mountain State
 1082a Land Authority created in Section
 1084 11-59-201, before the day on which Ŝ → [a] the ←Ŝ local authority holds the public
 1083a meeting described
 1085 in Subsection (2)(a)(ii)(B), the municipality in which the Ŝ → [community location]
 1084a local authority ←Ŝ is located
 1086 shall hold a separate public meeting in which the municipality shall give the public the
 1087 opportunity to comment on the proposed location of the hotel.

1088 Section 4. Section **32B-1-407** is amended to read:

1089 **32B-1-407 (Effective upon governor's approval). Verification of proof of age by**
 1090 **applicable licensees.**

1091 (1) As used in this section, "applicable licensee" means:

1092 [~~(a)~~ a dining club;]

1093 [~~(b)~~] (a) a bar;

1094 [~~(c)~~] (b) a tavern;

1095 [~~(d)~~] (c) a full-service restaurant;

1096 [~~(e)~~] (d) a limited-service restaurant;

1097 [~~(f)~~] (e) a beer-only restaurant; or

1098 [~~(g)~~] (f) an off-premise beer retailer selling, offering for sale, or furnishing beer as
 1099 described in Subsection 32B-7-202(8).

1100 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
 1101 that an authorized person for the applicable licensee verify proof of age as provided in
 1102 this section.

- 1103 (3)(a) An authorized person is required to verify proof of age under this section before
 1104 an individual who appears to be 35 years old or younger[:]
 1105 [~~(a) gains admittance to the premises of a bar licensee or tavern;~~]
 1106 [~~(b) procures an alcoholic product on the premises of a dining club licensee; or~~]
 1107 [~~(c) procures an alcoholic product in a dispensing area in the premises of a full-service~~
 1108 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant
 1109 licensee.
- 1110 (b) An authorized person is required to verify proof of age under this section before an
 1111 individual:
 1112 (i) gains admittance to the premises of a bar licensee or tavern; or
 1113 (ii) purchases beer from an off-premise beer retailer as described in Subsection
 1114 32B-7-202(8).
- 1115 (c) When verifying proof of age under this Subsection (3), an authorized person shall
 1116 verify that:
 1117 (i) the individual's age on the proof of age is at least 21 years old;
 1118 (ii) the picture on the proof of age matches the individual; and
 1119 (iii) if the proof of age is a driver license issued by this state, that the individual is not
 1120 an interdicted person.
- 1121 (4) To comply with Subsection (3), an authorized person shall:
 1122 (a) request that the individual present proof of age; and
 1123 (b)(i) verify the validity of the proof of age electronically under the verification
 1124 program created in Subsection (5); or
 1125 (ii) if the proof of age cannot be electronically verified as provided in Subsection
 1126 (4)(b)(i), request that the individual comply with a process established by the
 1127 commission by rule.
- 1128 (5)~~(a)~~ The commission shall establish by rule an electronic verification program that
 1129 includes the following:
 1130 ~~(A)~~ (a) the specifications for the technology used by the applicable licensee to
 1131 electronically verify proof of age, including that the technology display to the person
 1132 described in Subsection (2) no more than the following for the individual who
 1133 presents the proof of age:
 1134 ~~(A)~~ (i) the name;
 1135 ~~(B)~~ (ii) the age;
 1136 ~~(C)~~ (iii) the number assigned to the individual's proof of age by the issuing authority;

- 1137 ~~[(D)]~~ (iv) the birth date;
- 1138 ~~[(E)]~~ (v) the gender; and
- 1139 ~~[(F)]~~ (vi) the status and expiration date of the individual's proof of age; and
- 1140 ~~[(ii)]~~ (b) the security measures that shall be used by an applicable licensee to ensure that
- 1141 information obtained under this section is:
- 1142 ~~[(A)]~~ (i) used by the applicable licensee only for purposes of verifying proof of age in
- 1143 accordance with this section; and
- 1144 ~~[(B)]~~ (ii) retained by the applicable licensee for seven days after the day on which the
- 1145 applicable licensee obtains the information.

1146 ~~[(b) The commission shall ensure that the electronic verification program described in~~

1147 ~~Subsection (5)(a) includes technology that recognizes every state's unique hidden~~

1148 ~~security features located on state issued identification cards to determine the validity~~

1149 ~~of that particular card.]~~

1150 (6)(a) An applicable licensee may not disclose information obtained under this section

1151 except as provided under this title.

1152 (b) Information obtained under this section is considered a record for any purpose under

1153 Chapter 5, Part 3, Retail Licensee Operational Requirements.

1154 Section 5. Section **32B-2-202** is amended to read:

1155 **32B-2-202 (Effective upon governor's approval). Powers and duties of the**

1156 **commission.**

1157 (1) The commission shall:

- 1158 (a) consistent with the policy established by the Legislature by statute, act as a general
- 1159 policymaking body on the subject of alcoholic product control;
- 1160 (b) adopt and issue policies, rules, and procedures;
- 1161 (c) set policy by written rules that establish criteria and procedures for:
- 1162 (i) issuing, denying, not renewing, suspending, or revoking a package agency,
- 1163 license, permit, or certificate of approval; and
- 1164 (ii) determining the location of a state store, package agency, or retail licensee;
- 1165 (d) decide within the limits, and under the conditions imposed by this title, the number
- 1166 and location of state stores, package agencies, and retail licensees in the state;
- 1167 (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses,
- 1168 sublicenses, permits, or certificates of approval for the purchase, storage, sale, offer
- 1169 for sale, furnishing, consumption, manufacture, and distribution of an alcoholic
- 1170 product:

- 1171 (i) a package agency;
- 1172 (ii) a full-service restaurant license;
- 1173 (iii) a master full-service restaurant license;
- 1174 (iv) a limited-service restaurant license;
- 1175 (v) a master limited-service restaurant license;
- 1176 (vi) a bar establishment license;
- 1177 (vii) an airport lounge license;
- 1178 (viii) an on-premise banquet license;
- 1179 (ix) a resort license, which includes four or more sublicenses;
- 1180 (x) an on-premise beer retailer license;
- 1181 (xi) a reception center license;
- 1182 (xii) a beer-only restaurant license;
- 1183 (xiii) a hotel license, which includes three or more sublicenses;
- 1184 (xiv) an arena license, which includes three or more sublicenses;
- 1185 (xv) a hospitality amenity license;
- 1186 (xvi) subject to Subsection (5), a single event permit;
- 1187 (xvii) subject to Subsection (5), a temporary beer event permit;
- 1188 (xviii) a special use permit;
- 1189 (xix) a manufacturing license;
- 1190 (xx) a liquor warehousing license;
- 1191 (xxi) a beer wholesaling license;
- 1192 (xxii) a liquor transport license;
- 1193 (xxiii) an off-premise beer retailer state license;
- 1194 (xxiv) a master off-premise beer retailer state license;
- 1195 (xxv) one of the following that holds a certificate of approval:
- 1196 (A) an out-of-state brewer;
- 1197 (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
- 1198 (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; and
- 1199 (xxvi) a spa sublicense;
- 1200 (f) issue, deny, suspend, or revoke the following conditional licenses:
- 1201 (i) a conditional retail license as defined in Section 32B-5-205; and
- 1202 (ii) a conditional off-premise beer retailer state license as defined in Section
- 1203 32B-7-406;
- 1204 (g) prescribe the duties of the department in assisting the commission in issuing a

- 1205 package agency, license, permit, or certificate of approval under this title;
- 1206 (h) to the extent a fee is not specified in this title, establish a fee allowed under this title
- 1207 in accordance with Section 63J-1-504;
- 1208 (i) subject to Section 32B-2-213, fix prices at which liquor is sold that are the same at all
- 1209 state stores, package agencies, and retail licensees;
- 1210 (j) issue and distribute price lists showing the price to be paid by a purchaser for each
- 1211 class, variety, or brand of liquor kept for sale by the department;
- 1212 (k)(i) require the director to follow sound management principles; and
- 1213 (ii) require periodic reporting from the director to ensure that:
- 1214 (A) sound management principles are being followed; and
- 1215 (B) policies established by the commission are being observed;
- 1216 (l)(i) receive, consider, and act in a timely manner upon the reports,
- 1217 recommendations, and matters submitted by the director to the commission; and
- 1218 (ii) do the things necessary to support the department in properly performing the
- 1219 department's duties;
- 1220 (m) obtain temporarily and for special purposes the services of an expert or person
- 1221 engaged in the practice of a profession, or a person who possesses a needed skill if:
- 1222 (i) considered expedient; and
- 1223 (ii) approved by the governor;
- 1224 (n) prescribe by rule the conduct, management, and equipment of premises upon which
- 1225 an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
- 1226 (o) make rules governing the credit terms of beer sales within the state to retail
- 1227 licensees; and
- 1228 (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take
- 1229 disciplinary action against a person subject to administrative action.
- 1230 (2) Consistent with the policy established by the Legislature by statute, the power of the
- 1231 commission to do the following is plenary, except as otherwise provided by this title,
- 1232 and not subject to review:
- 1233 (a) establish a state store;
- 1234 (b) issue authority to act as a package agent or operate a package agency; and
- 1235 (c) issue, deny, or deem forfeit a license, permit, or certificate of approval.
- 1236 (3)(a) Subject to Subsections (3)(b) and (c), the commission may [-]make rules
- 1237 permitting and establishing the parameters of a late license renewal.
- 1238 (b) The commission may not allow for the late renewal of a license after the later of:

- 1239 (i) the tenth day of the month after the month in which the license type is required to
 1240 be renewed; or
- 1241 (ii) if the tenth day of the month after the month in which the license type is required
 1242 to be renewed falls on a Saturday, Sunday, or state or federal holiday, the first
 1243 business day after the Saturday, Sunday, or holiday.
- 1244 (c) The fee for a late license renewal is \$300.
- 1245 (4) If the commission is authorized or required to make a rule under this title, the
 1246 commission shall make the rule in accordance with Title 63G, Chapter 3, Utah
 1247 Administrative Rulemaking Act.
- 1248 (5) Notwithstanding Subsections (1)(e)(xvi) and (xvii), the director or deputy director may
 1249 issue an event permit in accordance with Chapter 9, Event Permit Act.
- 1250 Section 6. Section **32B-2-207** is amended to read:
- 1251 **32B-2-207 (Effective 05/06/26). Department employees -- Requirements.**
- 1252 (1) [~~Upper~~] As used in this section, "upper management" means[~~the director,~~] a deputy
 1253 director[~~;~~] or other Schedule AD, AR, or AS employee of the department, as defined in
 1254 Section 63A-17-301[~~;~~ ~~except for the director of internal audits and auditors hired by the~~
 1255 ~~director of internal audits under Section 32B-2-302.5~~].
- 1256 (2)(a) Subject to this title, including the requirements of Chapter 1, Part 3, Qualifications
 1257 and Background, the director may prescribe the qualifications of a department
 1258 employee.
- 1259 (b) The director may hire an employee who is upper management only with the approval
 1260 of four commissioners voting in an open meeting.
- 1261 (c) Except as provided in Section 32B-1-303, the [~~executive~~]director may dismiss an
 1262 employee who is upper management after consultation with the chair of the
 1263 commission.
- 1264 (3)(a) A person who seeks employment with the department shall file with the
 1265 department an application under oath or affirmation in a form prescribed by the
 1266 commission.
- 1267 (b) Upon receiving an application, the department shall determine whether the individual
 1268 is:
- 1269 (i) of good moral character; and
- 1270 (ii) qualified for the position sought.
- 1271 (c) The department shall select an individual for employment or advancement with the
 1272 department in accordance with Title 63A, Chapter 17, Utah State Personnel

1273 Management Act.

1274 (4) The following are not considered a department employee:

1275 (a) a package agent;

1276 (b) a licensee;

1277 (c) a staff member of a package agent; or

1278 (d) staff of a licensee.

1279 (5) The department may not employ a minor to:

1280 (a) work in:

1281 (i) a state store; or

1282 (ii) a department warehouse; or

1283 (b) engage in an activity involving the handling of an alcoholic product.

1284 (6) The department shall ensure that any training or certification required of a public
1285 official or public employee, as those terms are defined in Section 63G-22-102, complies
1286 with Title 63G, Chapter 22, State Training and Certification Requirements, if the
1287 training or certification is required:

1288 (a) under this title;

1289 (b) by the department; or

1290 (c) by an agency or division within the department.

1291 Section 7. Section **32B-2-213** is amended to read:

1292 **32B-2-213 (Effective upon governor's approval). Round up program --**

1293 **Rounding for cash transactions.**

1294 (1) The department may:

1295 (a) [-]establish a round up program under which an individual who makes a purchase at a
1296 state store may elect to round the purchase price up to the nearest dollar[-] ; and

1297 (b) if necessary to make exact change for a cash purchase of liquor at a state store, round
1298 the total price of the liquor up or down to the nearest five cents after applicable taxes
1299 are applied.

1300 (2) The department shall deposit money the department collects under Subsection ~~[(+)]~~ (1)(a)
1301 into the Pamela Atkinson Homeless Account created in Section 35A-16-301.

1302 (3) If necessary to make exact change for a cash purchase of liquor, a package agency, a
1303 retail licensee, or a permittee may round the total price of the liquor up or down to the
1304 nearest five cents after applicable taxes are applied.

1305 Section 8. Section **32B-2-302.5** is amended to read:

1306 **32B-2-302.5 (Effective 05/06/26). Internal audits.**

- 1307 (1) In accordance with Title 63I, Chapter 5, Utah Internal Audit Act, the department shall
 1308 conduct various types of auditing procedures [~~determined by the commission~~] through
 1309 an internal audit division.
- 1310 [~~(2)(a) The commission shall appoint an internal audit director who shall serve at the
 1311 pleasure of the commission.~~]
- 1312 [~~(b) The internal audit director shall hire auditors in the division with the approval of the
 1313 commission.~~]
- 1314 [~~(c) The internal audit director may dismiss an auditor with the approval of the
 1315 commission.~~]
- 1316 (2) The internal audit division:
- 1317 (a) is placed directly under the director of the department;
- 1318 (b) shall report directly to the director of the department; and
- 1319 (c) is responsible for:
- 1320 (i) conducting and verifying each internal audit and review within the department; and
- 1321 (ii) implementing audit procedures that meet or exceed generally accepted auditing
 1322 standards.
- 1323 [~~(3) Notwithstanding Section 63I-5-301, the commission shall serve as the audit committee.~~]
- 1324 (3) The chair of the commission or the commission may:
- 1325 (a) propose internal auditing policies; or
- 1326 (b) recommend or make additions or modifications to the internal audit division's annual
 1327 internal audit plan.
- 1328 (4) Subject to [~~the other provisions of~~]this section, the [~~internal audit~~]director of the
 1329 internal audit division shall have the powers and duties described in Section 63I-5-401
 1330 or any other duty prescribed by the chair of the commission or the director of the
 1331 department. [~~The internal audit director shall oversee and materially participate in~~
 1332 ~~internal audits conducted under this section.~~]
- 1333 (5)(a) Once an internal audit is completed, the internal audit director shall provide an
 1334 internal audit report to the director, the chair of the commission, and the other
 1335 commissioners.
- 1336 (b) Within five business days of receipt of the internal audit, the director shall prepare a
 1337 written response and deliver it to the chair of the commission and the other
 1338 commissioners.
- 1339 [~~(c) Within five business days of receipt of the director's written response under~~
 1340 ~~Subsection (5)(b), the chair of the commission may prepare a separate response.~~]

1341 ~~[(d) Within 12 business days of the internal audit being given to the director, chair of the~~
 1342 ~~commission, and the other commissioners under Subsection (5)(a), the chair of the~~
 1343 ~~commission shall forward the audit and any response to:]~~

1344 ~~[(i) the governor;]~~

1345 ~~[(ii) the legislative auditor general; and]~~

1346 ~~[(iii) the Legislative Management Committee.]~~

1347 ~~[(e)] (c) Within 120 calendar days [of] after the day on which the director of the~~
 1348 ~~department receives an internal audit under Subsection (5)(a), [being completed;] the [~~
 1349 ~~commission] director of the department shall prepare a report to the [governor] chair~~
 1350 ~~of the commission and other commissioners describing:~~

1351 ~~(i) [-]steps taken to implement the recommendations of the internal audit; or~~

1352 ~~(ii) [-]a detailed explanation of why recommendations have not been implemented. [~~

1353 ~~The chair of the commission shall forward the report to:]~~

1354 ~~[(i) the legislative auditor general; and]~~

1355 ~~[(ii) the Legislative Management Committee.]~~

1356 ~~(d) After receiving a response or report under this Subsection (5), the chair of the~~
 1357 ~~commission or the commission may request that the director of the department or the~~
 1358 ~~director of the internal audit division provide additional information regarding the~~
 1359 ~~audit findings.~~

1360 ~~(e) The director of the department shall make a response or report described in~~
 1361 ~~Subsections (5)(a) through (c) available to the following upon request:~~

1362 ~~(i) the governor;~~

1363 ~~(ii) the legislative auditor general; and~~

1364 ~~(iii) the Legislative Management Committee.~~

1365 ~~[(f) The chair of the commission shall make such other reports as the governor requests.]~~

1366 Section 9. Section **32B-2-304** is amended to read:

1367 **32B-2-304 (Effective upon governor's approval). Liquor price -- Remittance of**
 1368 **markup -- School lunch program.**

1369 (1) For purposes of this section:

1370 (a)(i) "Landed case cost" means the sum of:

1371 (A) the cost of the product;

1372 (B) inbound shipping costs the department incurs; and

1373 (C) case handling costs the department incurs.

1374 (ii) "Landed case cost" does not include the outbound shipping cost from a

- 1375 warehouse of the department to a state store.
- 1376 (b) "Proof gallon" means the same as that term is defined in 26 U.S.C. Sec. 5002.
- 1377 (2) Except as provided in Subsections (3) ~~and]~~, (4), and (7):
- 1378 (a) spirituous liquor sold by the department within the state shall be marked up in an
- 1379 amount not less than 88.5% above the landed case cost to the department;
- 1380 (b) wine sold by the department within the state shall be marked up in an amount not
- 1381 less than 88.5% above the landed case cost to the department;
- 1382 (c) heavy beer sold by the department within the state shall be marked up in an amount
- 1383 not less than 66.5% above the landed case cost to the department; and
- 1384 (d) a flavored malt beverage sold by the department within the state shall be marked up
- 1385 in an amount not less than 88.5% above the landed case cost to the department.
- 1386 (3)(a) Liquor sold by the department to a military installation in Utah shall be marked up
- 1387 in an amount not less than 17% above the landed case cost to the department.
- 1388 (b) Except for spirituous liquor sold by the department to a military installation in Utah,
- 1389 spirituous liquor that is sold by the department within the state shall be marked up
- 1390 49% above the landed case cost to the department if:
- 1391 (i) the spirituous liquor is manufactured by a manufacturer producing less than
- 1392 30,000 proof gallons of spirituous liquor in a calendar year; and
- 1393 (ii) the manufacturer applies to the department for a reduced markup.
- 1394 (c) Except for wine sold by the department to a military installation in Utah, wine that is
- 1395 sold by the department within the state shall be marked up 49% above the landed
- 1396 case cost to the department if:
- 1397 (i)(A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a
- 1398 manufacturer producing less than 20,000 gallons of wine in a calendar year; or
- 1399 (B) for hard cider, the hard cider is manufactured by a manufacturer producing
- 1400 less than 620,000 gallons of hard cider in a calendar year; and
- 1401 (ii) the manufacturer applies to the department for a reduced markup.
- 1402 (d) Except for heavy beer sold by the department to a military installation in Utah, heavy
- 1403 beer that is sold by the department within the state shall be marked up 32% above the
- 1404 landed case cost to the department if:
- 1405 (i) a small brewer manufactures the heavy beer; and
- 1406 (ii) the small brewer applies to the department for a reduced markup.
- 1407 (e) The department shall:
- 1408 (i) for purposes of Subsections (3)(b) and (c), calculate the production amount of a

- 1409 manufacturer:
- 1410 (A) by, if the manufacturer is part of a controlled group of manufacturers,
- 1411 including the combined volume totals of spirituous liquor, wine, or cider, as
- 1412 applicable, for all manufacturers that constitute the controlled group of
- 1413 manufacturers; and
- 1414 (B) without considering the manufacturer's production of any other type of
- 1415 alcoholic product; and
- 1416 (ii) verify that a manufacturer meets a production amount described in Subsection
- 1417 (3)(b) or (c) and the production amount of a small brewer under a federal or other
- 1418 verifiable production report.
- 1419 (f) A manufacturer seeking to obtain a reduced markup under Subsection (3)(b), (c), or
- 1420 (d), shall provide to the department any documentation or information the department
- 1421 determines necessary to determine if the manufacturer is part of a controlled group of
- 1422 manufacturers.
- 1423 (g) The department may, at any time, revoke a reduced markup granted to a
- 1424 manufacturer under Subsection (3)(b), (c), or (d), if the department determines the
- 1425 manufacturer no longer qualifies for the reduced markup.
- 1426 (4) Wine the department purchases on behalf of a subscriber through the wine subscription
- 1427 program established in Section 32B-2-702 shall be marked up not less than 88.5% above
- 1428 the cost of the subscription for the interval in which the wine is purchased.
- 1429 (5) The department shall deposit 10% of the total gross revenue from sales of liquor with
- 1430 the state treasurer to be credited to the Uniform School Fund and used to support the
- 1431 school meals program administered by the State Board of Education under Section
- 1432 53E-3-510.
- 1433 (6)(a) Each month, the department shall collect from each package agency located at a
- 1434 manufacturing facility owned or operated by a person licensed under Chapter 11,
- 1435 Manufacturing and Related Licenses Act, 12.295% of the package agency's reported
- 1436 monthly revenue and deposit the money as follows:
- 1437 (i) 1.695% of the reported monthly revenue into the Alcoholic Beverage Control Act
- 1438 Enforcement Fund;
- 1439 (ii) 10% of the reported monthly revenue into the Uniform School Fund and used to
- 1440 support the school meals program administered by the State Board of Education
- 1441 under Section 53E-3-510; and
- 1442 (iii) 0.60% of the reported monthly revenue into the Underage Drinking Prevention

1443 Media and Education Campaign Restricted Account.

1444 (b) The department may collect a fee established in accordance with Section 63J-1-504
1445 from a package agency described in this subsection to cover the costs of regulation.

1446 (7) This section does not prohibit the department from:

1447 (a) [-]selling discontinued items at a discount[-] ; or

1448 (b) rounding the price of liquor in accordance with Section 32B-2-213.

1449 (8) The Legislature shall annually appropriate to support substance use disorder treatment
1450 services, an amount equal to the revenue generated from a 0.5% markup above the
1451 landed case cost to the department on spirituous liquor.

1452 Section 10. Section **32B-2-503** is amended to read:

1453 **32B-2-503 (Effective upon governor's approval). Operational requirements for a**
1454 **state store.**

1455 (1)(a) A state store shall display in a prominent place in the store a sign in large letters
1456 that consists of text in the following order:

1457 (i) a header that reads: "WARNING";

1458 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
1459 can cause birth defects and permanent brain damage for the child.";

1460 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
1461 Human Services at [insert most current toll-free number] with questions or for
1462 more information.";

1463 (iv) a header that reads: "WARNING"; and

1464 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
1465 a serious crime that is prosecuted aggressively in Utah."

1466 (b)(i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different
1467 font style than the text described in Subsections (1)(a)(iv) and (v).

1468 (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the
1469 same font size.

1470 (c) The Department of Health and Human Services shall work with the commission and
1471 department to facilitate consistency in the format of a sign required under this section.

1472 (2) [A] Except as provided in Section 32B-2-213, a state store [may not] shall sell, offer for
1473 sale, or furnish liquor [~~except~~] at a price fixed by the commission.

1474 (3) A state store may not sell, offer for sale, or furnish liquor to:

1475 (a) a minor;

1476 (b) a person actually, apparently, or obviously intoxicated;

- 1477 (c) a known interdicted person; or
1478 (d) a known habitual drunkard.
- 1479 (4)(a) A state store employee may not:
1480 (i) consume an alcoholic product on the premises of a state store; or
1481 (ii) allow any person to consume an alcoholic product on the premises of a state store.
- 1482 (b) A violation of this Subsection (4) is a class B misdemeanor.
- 1483 (5)(a) Sale or delivery of liquor may not be made on or from the premises of a state
1484 store, and a state store may not be kept open for the sale of liquor:
1485 (i) on Sunday; or
1486 (ii) on a state or federal legal holiday.
- 1487 (b) Sale or delivery of liquor may be made on or from the premises of a state store, and a
1488 state store may be open for the sale of liquor, only on a day and during hours that the
1489 commission directs by rule or order.
- 1490 (6)(a) A minor may not be admitted into, or be on the premises of, a state store unless
1491 accompanied by a person who is:
1492 (i) 21 years ~~[of age]~~ old or older; and
1493 (ii) the minor's parent, legal guardian, or spouse.
- 1494 (b) A state store employee that has reason to believe that a person who is on the
1495 premises of a state store is under ~~[the age of 21]~~ 21 years old and is not accompanied
1496 by a person described in Subsection (6)(a) may:
1497 (i) ask the suspected minor for proof of age;
1498 (ii) ask the person who accompanies the suspected minor for proof of age; and
1499 (iii) ask the suspected minor or the person who accompanies the suspected minor for
1500 proof of parental, guardianship, or spousal relationship.
- 1501 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the
1502 person who accompanies the suspected minor into the state store if the suspected
1503 minor or person fails to provide information specified in Subsection (6)(b).
- 1504 (d) A state store employee shall require a suspected minor and the person who
1505 accompanies the suspected minor into the state store to immediately leave the
1506 premises of the state store if the suspected minor or person fails to provide
1507 information specified in Subsection (6)(b).
- 1508 (7)(a) A state store may not sell, offer for sale, or furnish liquor except in a sealed
1509 container.
- 1510 (b) A person may not open a sealed container on the premises of a state store.

- 1511 (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish heavy
1512 beer in a sealed container that exceeds two liters.
- 1513 (9) A state store may not sell, offer for sale, or furnish:
- 1514 (a) liquor that is intended to be frozen and consumed in a manner other than as a
1515 beverage, including liquor in the form of a freeze pop, popsicle, ice cream, or sorbet;
1516 or
- 1517 (b) liquor that contains more than 80% alcohol by volume.

1518 Section 11. Section **32B-2-605** is amended to read:

1519 **32B-2-605 (Effective upon governor's approval). Operational requirements for**
1520 **package agency.**

- 1521 (1)(a) A person may not operate a package agency until a package agency agreement is
1522 entered into by the package agent and the department.
- 1523 (b) A package agency agreement shall state the conditions of operation by which the
1524 package agent and the department are bound.
- 1525 (c)(i) If a package agent or staff of the package agent violates this title, rules under
1526 this title, or the package agency agreement, the department may take any action
1527 against the package agent that is allowed by the package agency agreement.
- 1528 (ii) An action against a package agent is governed solely by its package agency
1529 agreement and may include suspension or revocation of the package agency.
- 1530 (iii) A package agency agreement shall provide procedures to be followed if a
1531 package agent fails to pay money owed to the department including a procedure
1532 for replacing the package agent or operator of the package agency.
- 1533 (iv) A package agency agreement shall provide that the package agency is subject to
1534 covert investigations for selling an alcoholic product to a minor.
- 1535 (v) Notwithstanding that this part refers to "package agency" or "package agent,"
1536 staff of the package agency or package agent is subject to the same requirement or
1537 prohibition.
- 1538 (2)(a) A package agency shall be operated by an individual who is either:
- 1539 (i) the package agent; or
- 1540 (ii) an individual designated by the package agent.
- 1541 (b) An individual who is a designee under this Subsection (2) shall be:
- 1542 (i) an employee of the package agent; and
- 1543 (ii) responsible for the operation of the package agency.
- 1544 (c) The conduct of the designee is attributable to the package agent.

- 1545 (d) A package agent shall submit the name of the person operating the package agency
1546 to the department for the department's approval.
- 1547 (e) A package agent shall state the name and title of a designee on the application for a
1548 package agency.
- 1549 (f) A package agent shall:
- 1550 (i) inform the department of a proposed change in the individual designated to
1551 operate a package agency; and
- 1552 (ii) receive prior approval from the department before implementing the change
1553 described in this Subsection (2)(f).
- 1554 (g) Failure to comply with the requirements of this Subsection (2) may result in the
1555 immediate termination of a package agency agreement.
- 1556 (3)(a) A package agent shall display in a prominent place in the package agency the
1557 record issued by the commission that designates the package agency.
- 1558 (b) A package agent that displays or stores liquor at a location visible to the public shall
1559 display in a prominent place in the package agency a sign in large letters that consists
1560 of text in the following order:
- 1561 (i) a header that reads: "WARNING";
- 1562 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
1563 can cause birth defects and permanent brain damage for the child.";
- 1564 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
1565 Human Services at [insert most current toll-free number] with questions or for
1566 more information.";
- 1567 (iv) a header that reads: "WARNING"; and
- 1568 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
1569 a serious crime that is prosecuted aggressively in Utah."
- 1570 (c)(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
1571 font style than the text described in Subsections (3)(b)(iv) and (v).
- 1572 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
1573 same font size.
- 1574 (d) The Department of Health and Human Services shall work with the commission and
1575 department to facilitate consistency in the format of a sign required under this section.
- 1576 (4) A package agency may not display liquor or a price list in a window or showcase that is
1577 visible to passersby.
- 1578 (5)(a) A package agency may not purchase liquor from a person except from the

- 1579 department.
- 1580 (b) At the discretion of the department, the department may provide liquor to a package
1581 agency for sale on consignment.
- 1582 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place other
1583 than as designated in the package agent's application, unless the package agent first
1584 applies for and receives approval from the department for a change of location within
1585 the package agency premises.
- 1586 (7)(a) Except as provided in Subsection (7)(b) and Section 32B-2-213, a package agency [
1587 ~~may not~~] shall sell, offer for sale, or furnish liquor [~~except~~] at a price fixed by the
1588 commission.
- 1589 (b) A package agency may provide as room service one alcoholic product free of charge
1590 per guest reservation, per guest room, if:
- 1591 (i) the package agency is the type of package agency that authorizes the package
1592 agency to sell, offer for sale, or furnish an alcoholic product as part of room
1593 service;
- 1594 (ii) staff of the package agency provides the alcoholic product:
- 1595 (A) in person; and
1596 (B) only to an adult guest in the guest room;
- 1597 (iii) staff of the package agency does not leave the alcoholic product outside a guest
1598 room for retrieval by a guest; and
- 1599 (iv) the alcoholic product:
- 1600 (A) is not a spirituous liquor; and
1601 (B) is in an unopened container not to exceed 750 milliliters.
- 1602 (8) A package agency may not sell, offer for sale, or furnish liquor to:
- 1603 (a) a minor;
1604 (b) a person actually, apparently, or obviously intoxicated;
1605 (c) a known interdicted person; or
1606 (d) a known habitual drunkard.
- 1607 (9)(a) A package agency may not employ a minor to handle liquor.
- 1608 (b)(i) Staff of a package agency may not:
- 1609 (A) consume an alcoholic product on the premises of a package agency; or
1610 (B) allow any person to consume an alcoholic product on the premises of a
1611 package agency.
- 1612 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.

- 1613 (10)(a) A package agency may not close or cease operation for a period longer than 72
1614 hours, unless:
- 1615 (i) the package agency notifies the department in writing at least seven days before
1616 the day on which the package agency closes or ceases operation; and
 - 1617 (ii) the closure or cessation of operation is first approved by the department.
- 1618 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package
1619 agency shall immediately notify the department by telephone.
- 1620 (c)(i) The department may authorize a closure or cessation of operation for a period
1621 not to exceed 60 days.
- 1622 (ii) The department may extend the initial period described in Subsection (10)(c)(i)
1623 an additional 30 days upon written request of the package agency and upon a
1624 showing of good cause.
- 1625 (iii) A closure or cessation of operation may not exceed a total of 90 days without
1626 commission approval.
- 1627 (d) The notice required by Subsection (10)(a) shall include:
- 1628 (i) the dates of closure or cessation of operation;
 - 1629 (ii) the reason for the closure or cessation of operation; and
 - 1630 (iii) the date on which the package agency will reopen or resume operation.
- 1631 (e) Failure of a package agency to provide notice and to obtain department authorization
1632 before closure or cessation of operation results in an automatic termination of the
1633 package agency agreement effective immediately.
- 1634 (f) Failure of a package agency to reopen or resume operation by the approved date
1635 results in an automatic termination of the package agency agreement effective on that
1636 date.
- 1637 (11) A package agency may not transfer the package agency's operations from one location
1638 to another location without prior written approval of the commission.
- 1639 (12)(a) A person, having been issued a package agency, may not sell, transfer, assign,
1640 exchange, barter, give, or attempt in any way to dispose of the package agency to
1641 another person, whether for monetary gain or not.
- 1642 (b) A package agency has no monetary value for any type of disposition.
- 1643 (13)(a) Subject to the other provisions of this Subsection (13):
- 1644 (i) sale or delivery of liquor may not be made on or from the premises of a package
1645 agency, and a package agency may not be kept open for the sale of liquor:
1646 (A) on Sunday; or

- 1647 (B) on a state or federal legal holiday; and
- 1648 (ii) sale or delivery of liquor may be made on or from the premises of a package
- 1649 agency, and a package agency may be open for the sale of liquor, only on a day
- 1650 and during hours that the commission directs by rule or order.
- 1651 (b) A package agency located at a manufacturing facility is not subject to Subsection
- 1652 (13)(a) if:
- 1653 (i) the package agency is located at a manufacturing facility licensed in accordance
- 1654 with Chapter 11, Manufacturing and Related Licenses Act; and
- 1655 (ii) the package agency only sells an alcoholic product produced at the manufacturing
- 1656 facility.
- 1657 (c)(i) Subsection (13)(a) does not apply to a package agency held by the following if
- 1658 the package agent that holds the package agency to sell liquor at a resort or hotel
- 1659 does not sell liquor in a manner similar to a state store:
- 1660 (A) a resort licensee; or
- 1661 (B) a hotel licensee.
- 1662 (ii) The commission may by rule define what constitutes a package agency that sells
- 1663 liquor "in a manner similar to a state store."
- 1664 (14)(a) Except to the extent authorized by commission rule, a minor may not be
- 1665 admitted into, or be on the premises of, a package agency unless accompanied by a
- 1666 person who is:
- 1667 (i) 21 years old or older; and
- 1668 (ii) the minor's parent, legal guardian, or spouse.
- 1669 (b) A package agent or staff of a package agency that has reason to believe that a person
- 1670 who is on the premises of a package agency is under 21 years old and is not
- 1671 accompanied by a person described in Subsection (14)(a) may:
- 1672 (i) ask the suspected minor for proof of age;
- 1673 (ii) ask the person who accompanies the suspected minor for proof of age; and
- 1674 (iii) ask the suspected minor or the person who accompanies the suspected minor for
- 1675 proof of parental, guardianship, or spousal relationship.
- 1676 (c) A package agent or staff of a package agency shall refuse to sell liquor to the
- 1677 suspected minor and to the person who accompanies the suspected minor into the
- 1678 package agency if the minor or person fails to provide any information specified in
- 1679 Subsection (14)(b).
- 1680 (d) A package agent or staff of a package agency shall require the suspected minor and

- 1681 the person who accompanies the suspected minor into the package agency to
1682 immediately leave the premises of the package agency if the minor or person fails to
1683 provide information specified in Subsection (14)(b).
- 1684 (15)(a) A package agency shall sell, offer for sale, or furnish liquor in a sealed container.
1685 (b) A person may not open a sealed container on the premises of a package agency.
1686 (c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or
1687 furnish liquor in other than a sealed container:
1688 (i) if the package agency is the type of package agency that authorizes the package
1689 agency to sell, offer for sale, or furnish the liquor as part of room service;
1690 (ii) if the liquor is sold, offered for sale, or furnished as part of room service; and
1691 (iii) subject to:
1692 (A) staff of the package agency providing the liquor in person only to an adult
1693 guest in the guest room or privately owned dwelling unit;
1694 (B) staff of the package agency not leaving the liquor outside a guest room or
1695 privately owned dwelling unit for retrieval by a guest or resident; and
1696 (C) the same limits on the portions in which an alcoholic product may be sold by a
1697 retail licensee under Section 32B-5-304.
- 1698 (16) A package agency may not sell, offer for sale, or furnish:
1699 (a) heavy beer in a sealed container that exceeds two liters; or
1700 (b) liquor that contains more than 80% alcohol by volume.
- 1701 (17) The department may pay or otherwise remunerate a package agent on any basis,
1702 including sales or volume of business done by the package agency.
- 1703 (18) The commission may prescribe by policy or rule general operational requirements of a
1704 package agency that are consistent with this title and relate to:
1705 (a) physical facilities;
1706 (b) conditions of operation;
1707 (c) hours of operation;
1708 (d) inventory levels;
1709 (e) payment schedules;
1710 (f) methods of payment;
1711 (g) premises security; and
1712 (h) any other matter considered appropriate by the commission.
- 1713 (19) A package agency may not maintain a minibar.
1714 Section 12. Section **32B-3-203** is amended to read:

- 1715 **32B-3-203 (Effective 05/06/26). Initiating a disciplinary proceeding.**
1716 Subject to Section 32B-3-202:
- 1717 (1) Subject to Subsection (3), the department shall initiate a disciplinary proceeding
1718 described in Subsection (2) if the department:
- 1719 (a) receives a report from an investigator alleging that a person subject to administrative
1720 action violated this title or the rules of the commission;
- 1721 (b) receives notice of criminal proceedings against a person subject to administrative
1722 action on the basis of an alleged violation of this title;
- 1723 (c) receives notice of civil proceedings in accordance with Chapter 15, Alcoholic
1724 Product Liability Act, against a person subject to administrative action on the basis of
1725 an alleged violation of this title; or
- 1726 (d) otherwise becomes aware that a person subject to administrative action on the basis
1727 of an alleged violation of this title may have violated this title or commission rule.
- 1728 (2) Subject to Subsection (3), if a condition in Subsection (1) is met, the department shall:
- 1729 (a) initiate a disciplinary proceeding to determine:
- 1730 (i) whether a person subject to administrative action violated this title or rules of the
1731 commission; and
- 1732 (ii) if a violation is found, the appropriate sanction to be imposed; and
- 1733 (b) refer the matter to the State Bureau of Investigation, created in Section 53-10-301.
- 1734 (3) The department is not required to initiate a disciplinary proceeding described in
1735 Subsection (2) if after reviewing the information described in Subsection (1), the
1736 department determines:
- 1737 (a) that there is no basis for initiating a disciplinary proceeding; or
- 1738 (b) in consultation with the prosecutor, law enforcement, or plaintiff's counsel, as
1739 applicable, that initiating a disciplinary proceeding would pose a significant risk of
1740 interfering with a criminal or civil proceeding.
- 1741 (4)(a) Unless waived by the respondent, a disciplinary proceeding shall be held:
- 1742 (i) if required by law;
- 1743 (ii) before revoking or suspending a license, permit, or certificate of approval issued
1744 under this title; or
- 1745 (iii) before imposing a fine against a person subject to administrative action.
- 1746 (b) Inexcusable failure of a respondent to appear at a scheduled disciplinary proceeding
1747 hearing after receiving proper notice is an admission of the charged violation.
- 1748 (c) The validity of a disciplinary proceeding is not affected by the failure of a person to

1749 attend or remain in attendance.

1750 Section 13. Section **32B-4-405** is amended to read:

1751 **32B-4-405 (Effective 05/06/26). Unlawful sale, offer for sale, or furnishing to**
 1752 **interdicted person.**

1753 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
 1754 interdicted person.

1755 [~~(2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the~~
 1756 ~~person is an interdicted person through examination of the person's identification card or~~
 1757 ~~license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or~~
 1758 ~~proof of age issued by another state or country.]~~

1759 [(~~3~~)] (2) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
 1760 product to an interdicted person:

1761 (a) under an order of a health care practitioner who is authorized by law to write a
 1762 prescription; or

1763 (b) administered by a hospital or health care practitioner authorized by law to administer
 1764 the alcoholic product for medicinal purposes.

1765 Section 14. Section **32B-5-201** is amended to read:

1766 **32B-5-201 (Effective 05/06/26). Application requirements for retail license.**

1767 (1)(a) Before a person may store, sell, offer for sale, furnish, or permit consumption of
 1768 an alcoholic product on licensed premises as a retail licensee, the person shall first
 1769 obtain a retail license issued by the commission, notwithstanding whether the person
 1770 holds a local license or a permit issued by a local authority.

1771 (b) Violation of this Subsection (1) is a class B misdemeanor.

1772 (2) To obtain a retail license under this title, a person shall submit to the department:

1773 (a) a written application in a form prescribed by the department;

1774 (b) a nonrefundable application fee in the amount specified in the relevant chapter or
 1775 part for the type of retail license for which the person is applying;

1776 (c) an initial license fee:

1777 (i) in the amount specified in the relevant chapter or part for the type of retail license
 1778 for which the person is applying; and

1779 (ii) that is refundable if a retail license is not issued;

1780 (d) written consent of the local authority, including, if applicable, consent for each
 1781 proposed sublicense;

1782 (e) a copy of:

- 1783 (i) every license the local authority requires, including the person's current business
1784 license; and
- 1785 (ii) if the person is applying for a principal license, the current business license for
1786 each proposed sublicense, except if the local authority determines that the
1787 business license for a proposed sublicense is included in the person's current
1788 business license;
- 1789 (f) evidence of the proposed retail licensee's proximity to any community location, with
1790 proximity requirements being governed by Section 32B-1-202;
- 1791 (g) a bond as specified by Section 32B-5-204;
- 1792 (h) a floor plan, and boundary map where applicable, of the premises of the retail license
1793 and each, if any, accompanying sublicense, including any:
- 1794 (i) consumption area; and
- 1795 (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic
1796 beverage;
- 1797 (i) evidence that the retail licensee carries public liability insurance in an amount and
1798 form satisfactory to the department;
- 1799 (j) evidence that the retail licensee carries dramshop insurance coverage of at least:
- 1800 (i) \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
- 1801 (ii) if the retail licensee is a hotel licensee or a resort licensee, \$1,000,000 per
1802 occurrence and \$2,000,000 in the aggregate to cover both the principal license and
1803 all accompanying sublicenses; or
- 1804 (iii) if the retail licensee is an arena licensee, \$10,000,000 per occurrence and
1805 \$20,000,000 in the aggregate to cover both the arena license and all accompanying
1806 sublicenses;
- 1807 (k) a signed consent form stating that the retail licensee will permit any authorized
1808 representative of the commission, department, or any law enforcement officer to have
1809 unrestricted right to enter:
- 1810 (i) the premises of the retail licensee; and
- 1811 (ii) if applicable, the premises of each of the retail licensee's accompanying
1812 sublicenses;
- 1813 (l) if the person is an entity, proper verification evidencing that a person who signs the
1814 application is authorized to sign on behalf of the entity;
- 1815 (m) a responsible alcohol service plan;
- 1816 (n) evidence that each individual the person has hired to work as a retail manager, as

- 1817 defined in Section 32B-1-701, has completed the alcohol training and education
 1818 seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and
 1819 (o) any other information the commission or department may require.
- 1820 (3) The commission may not issue a retail license to a person who:
 1821 (a) is disqualified under Section 32B-1-304; or
 1822 (b) is not lawfully present in the United States.
- 1823 (4) Unless otherwise provided in the relevant chapter or part for the type of retail license for
 1824 which the person is applying, the commission may not issue a retail license to a person if
 1825 the proposed licensed premises does not meet the proximity requirements of Section
 1826 32B-1-202.
- 1827 (5) Subject to Subsection (6), the commission may not deny an application for a retail
 1828 license, an application for a conditional retail license under Section 32B-5-205, or an
 1829 application for a sublicense under Chapter 8d, Sublicense Act, if:
 1830 (a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail
 1831 License Act; and
 1832 (b) for a retail license or a conditional retail license, granting the retail license or the
 1833 conditional retail license would not cause the commission to exceed the maximum
 1834 number of licenses of that retail license type that the commission is authorized to
 1835 issue under this chapter.
- 1836 (6)(a) The commission may deny an application for a retail license, an application for a
 1837 conditional retail license under Section 32B-5-205, or an application for a sublicense
 1838 under Chapter 8d, Sublicense Act, if the commission determines:
 1839 (i) [-]that the applicant's violation history warrants the denial[-] ; or
 1840 (ii) after considering a factor described in Subsections 32B-5-203(2)(c) through (f) or
 1841 (3), a denial of the application is warranted.
- 1842 (b) The commission, when making a determination under this Subsection (6), shall:
 1843 (i) [-]treat applicants with substantially similar violation histories consistently[-] ; and
 1844 (ii) consider the factors described in Subsections 32B-5-203(2)(c) through (f) or (3)
 1845 consistently.
- 1846 Section 15. Section **32B-5-303** is amended to read:
 1847 **32B-5-303 (Effective 05/06/26). Purchase and storage of an alcoholic product by**
 1848 **a retail licensee.**
- 1849 (1)(a) A retail licensee may not purchase liquor except from a state store or package
 1850 agency.

1851 (b) A retail licensee may transport liquor purchased from a state store or package agency
1852 from the place of purchase to the licensed premises.

1853 (c) A retail licensee shall pay for liquor in accordance with rules ~~[established by]~~the
1854 commission establishes.

1855 (2)(a)(i) A retail licensee may not purchase, acquire, possess for the purpose of
1856 resale, or sell beer except beer that the retail licensee purchases from:

1857 (A) a beer wholesaler licensee; or

1858 (B) a small brewer that manufactures the beer.

1859 (ii) ~~[Violation]~~ A violation of this Subsection (2)(a) is a class A misdemeanor.

1860 (b)(i) If a retail licensee purchases beer under Subsection (2)(a) from a beer
1861 wholesaler licensee, the retail licensee shall purchase beer only from a beer
1862 wholesaler licensee that the manufacturer designates~~[who is designated by the~~
1863 ~~manufacturer]~~ to sell beer in the geographical area in which the retail licensee is
1864 located, unless the department authorizes an alternate wholesaler ~~[is authorized by~~
1865 ~~the department]~~ to sell to the retail licensee as provided in Section 32B-13-301.

1866 (ii) ~~[Violation]~~ A violation of Subsection (2)(b) is a class B misdemeanor.

1867 (3) A retail licensee may not store, sell, offer for sale, or furnish an alcoholic product in a
1868 place other than as designated in the retail licensee's application, unless the retail
1869 licensee first applies for and receives approval from the department for a change of
1870 location within the licensed premises.

1871 ~~[(4) A liquor storage area shall remain locked at all times except when:]~~

1872 ~~[(a) liquor sales are authorized by law; or]~~

1873 ~~[(b) the licensee:]~~

1874 ~~[(i) inventories or restocks the alcoholic product in the liquor storage area; or]~~

1875 ~~[(ii) repairs or cleans the liquor storage area.]~~

1876 Section 16. Section **32B-5-304** is amended to read:

1877 **32B-5-304 (Effective upon governor's approval). Portions in which alcoholic**
1878 **product may be sold.**

1879 (1)(a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a
1880 primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per
1881 beverage dispensed through a calibrated metered dispensing system approved by the
1882 department in accordance with commission rules adopted under this title.

1883 (b) A retail license is not required to dispense spirituous liquor through a calibrated
1884 metered dispensing system if the spirituous liquor is:

- 1885 (i) a secondary flavoring ingredient;
- 1886 (ii) used as a flavoring on a dessert;
- 1887 (iii) used to set aflame a food dish, drink, or dessert;
- 1888 (iv) in a beverage that:
- 1889 (A) is served to a patron in the original[~~-, sealed~~] container;
- 1890 (B) is not more than 12 ounces;
- 1891 (C) contains no more than 10% alcohol by volume or 8% by weight; and
- 1892 (D) is in a container that has the alcohol by volume percentage on the front label
- 1893 and in a font that measures at least three millimeters high; or
- 1894 (v) in a beverage that:
- 1895 (A) is served to a patron by pouring the beverage from the original sealed
- 1896 container, into a different container as required under Subsection
- 1897 32B-8d-104(5)(b);
- 1898 (B) is not more than 12 ounces;
- 1899 (C) contains no more than 10% alcohol by volume or 8% by weight; and
- 1900 (D) originates from a container that has the alcohol by volume percentage on the
- 1901 front label and in a font that measures at least three millimeters high.
- 1902 (c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring
- 1903 ingredient shall:
- 1904 (i) designate a location where the retail licensee stores secondary flavoring
- 1905 ingredients on the floor plan the retail licensee submits to the department; and
- 1906 (ii) clearly and conspicuously label each secondary flavoring ingredient's container [
- 1907 "~~flavorings~~":] "flavorings."
- 1908 (d)(i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.
- 1909 (ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection
- 1910 (1)(b)(iv).
- 1911 (2)(a)(i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an
- 1912 individual portion that does not exceed 5 ounces per glass or individual portion.
- 1913 (ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine
- 1914 to a patron in more than one glass if the total amount of wine does not exceed 5
- 1915 ounces.
- 1916 (b)(i) [A] Except as provided in Subsection (6), a retail licensee may sell, offer for
- 1917 sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the
- 1918 commission to a table of four or more persons.

- 1919 (ii) [A] Except as provided in Subsection (6), a retail licensee may sell, offer for sale,
 1920 or furnish wine in a container not to exceed 750 milliliters at a price fixed by the
 1921 commission to a table of less than four persons.
- 1922 (c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale,
 1923 or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed
 1924 container not to exceed 16 ounces.
- 1925 (3)(a) [A] Except as provided in Subsection (6), a retail licensee may sell, offer for sale,
 1926 or furnish heavy beer in an original container at a price fixed by the commission,
 1927 except that the original container may not exceed one liter.
- 1928 (4) [A] Except as provided in Subsection (6), a retail licensee may sell, offer for sale, or
 1929 furnish a flavored malt beverage in an original container at a price fixed by the
 1930 commission, except that the original container may not exceed one liter.
- 1931 (5)(a)(i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or
 1932 furnish beer for on-premise consumption:
- 1933 (A) in an open original container; and
 1934 (B) in a container on draft.
- 1935 (ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection
 1936 (5)(a)(i):
- 1937 (A) in a size of container that exceeds two liters; or
 1938 (B) to an individual patron in a size of container that exceeds one liter.
- 1939 (b) A retail licensee may sell, offer for sale, or furnish beer for off-premise consumption:
 1940 (i) in a sealed container; and
 1941 (ii) in a size of container that does not exceed two liters.
- 1942 (c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual
 1943 patron if the total amount of beer does not exceed 16 ounces.
- 1944 (6) This section does not prohibit a retail licensee from rounding the price of liquor in
 1945 accordance with Section 32B-2-213.
- 1946 Section 17. Section **32B-5-305** is amended to read:
- 1947 **32B-5-305 (Effective upon governor's approval). Pricing of alcoholic product --**
 1948 **Other charge.**
- 1949 (1)[(a) A] Except as provided in Section 32B-2-213, a retail licensee:
- 1950 (a) [-]may sell, offer for sale, or furnish liquor only at a price fixed by the commission[-] ;
 1951 and
- 1952 (b) [A retail licensee]may not sell an alcoholic product at a discount price on any date

1953 or at any time.

- 1954 (2)(a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at less
1955 than the cost of the alcoholic product to the retail licensee.
- 1956 (b) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a
1957 special or reduced price that encourages overconsumption or intoxication.
- 1958 (c) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a
1959 special or reduced price for only certain hours of the retail licensee's business day,
1960 such as a "happy hour."
- 1961 (d) A retail licensee may not sell, offer for sale, or furnish more than one alcoholic
1962 product for the price of a single alcoholic product.
- 1963 (e) A retail licensee may not sell, offer for sale, or furnish an indefinite or unlimited
1964 number of alcoholic products during a set period for a fixed price.
- 1965 (f) A retail licensee may not engage in a promotion involving or offering a free alcoholic
1966 product to the general public.

1967 (3) As authorized by commission rule, a retail licensee may charge a patron for providing:

- 1968 (a) a service related to liquor purchased at the licensed premises; or
- 1969 (b) wine service performed for wine carried in by a patron in accordance with Section
1970 32B-5-307.

1971 Section 18. Section **32B-5-306** is amended to read:

1972 **32B-5-306 (Effective 05/06/26). Purchasing or selling alcoholic product.**

1973 (1)[(a)] A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:

- 1974 [(i)] (a) a minor;
- 1975 [(ii)] (b) a person actually, apparently, or obviously intoxicated;
- 1976 [(iii)] (c) a known interdicted person; or
- 1977 [(iv)] (d) a known habitual drunkard.
- 1978 [(b) ~~Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify~~
1979 ~~whether the person is a minor or an interdicted person through examination of the~~
1980 ~~person's identification card or license certificate issued pursuant to Title 53, Chapter~~
1981 ~~3, Uniform Driver License Act, or proof of age issued by another state or country.]]~~

- 1982 (2)(a) A patron may only purchase an alcoholic product in the licensed premises of a
1983 retail licensee from and be served by an individual who is:
- 1984 (i) staff of the retail licensee; and
- 1985 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
- 1986 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only

1987 if the individual is:

1988 (i) staff of the retail licensee; and

1989 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

1990 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from

1991 staff of the retail licensee or carries bottled wine onto the retail licensee's premises [

1992 ~~pursuant to~~] in accordance with Section 32B-5-307 may thereafter serve wine from

1993 the bottle to the patron or others at the patron's table.

1994 (3) The following may not purchase an alcoholic product for a patron:

1995 (a) a retail licensee; or

1996 (b) staff of a retail licensee.

1997 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the

1998 retail licensee may transfer the retail licensee's inventory of alcoholic product from that

1999 premises to another premises licensed under this chapter that is owned by the same retail

2000 licensee.

2001 Section 19. Section **32B-5-307** is amended to read:

2002 **32B-5-307 (Effective 05/06/26). Bringing alcoholic product onto or removing**

2003 **alcoholic product from premises.**

2004 (1) Except as provided in Subsections (3), (4), ~~and~~ (6), and (7):

2005 (a) an individual may not bring onto the licensed premises of a retail licensee an

2006 alcoholic product for on-premise consumption;

2007 (b) a retail licensee may not allow a person to:

2008 (i) bring onto licensed premises an alcoholic product for on-premise consumption; or

2009 (ii) consume an alcoholic product brought onto the licensed premises by a person

2010 other than the retail licensee; and

2011 (c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through a

2012 window or door to a location off the licensed premises or to a vehicular traffic area.

2013 (2) Except as provided in Subsections (3), (4), ~~and~~ (6), and (7) and Subsection

2014 32B-4-415(5):

2015 (a) an individual may not carry from the licensed premises of a retail licensee an open

2016 container that:

2017 (i) is used primarily for drinking purposes; and

2018 (ii) contains an alcoholic product;

2019 (b) a retail licensee may not permit a patron to carry from the licensed premises an open

2020 container described in Subsection (2)(a); and

- 2021 (c)(i) an individual may not carry from the licensed premises of a retail licensee a
2022 sealed container of liquor that has been purchased from the retail licensee; and
2023 (ii) a retail licensee may not permit a patron to carry from the licensed premises of
2024 the retail licensee a sealed container of liquor that has been purchased from the
2025 retail licensee.
- 2026 (3)(a) A patron may bring a bottled wine onto the premises of a retail licensee for
2027 on-premise consumption if:
- 2028 (i) permitted by the retail licensee; and
2029 (ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.
- 2030 (b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the
2031 patron shall deliver the bottled wine to a server or other representative of the retail
2032 licensee upon entering the licensed premises.
- 2033 (c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a
2034 wine service for a bottled wine carried onto the licensed premises in accordance with
2035 this Subsection (3) or a bottled wine purchased at the licensed premises.
- 2036 (d) A patron may remove from a licensed premises the unconsumed contents of a bottle
2037 of wine purchased at the licensed premises, or brought onto the licensed premises in
2038 accordance with this Subsection (3), only if before removal the bottle is recorked or
2039 recapped.
- 2040 (4) Neither a patron nor a retail licensee violates this section if:
- 2041 (a) the patron is in shared seating; and
2042 (b) the patron purchased the patron's alcoholic beverage from a restaurant licensee
2043 whose licensed premises include the shared seating area the patron is in.
- 2044 (5)(a) A patron may carry from a retail licensee's licensed premises a sealed container of
2045 beer that has been purchased from the retail licensee.
2046 (b) A retail licensee may permit a patron to carry from the retail licensee's licensed
2047 premises a sealed container of beer that has been purchased from the retail licensee.
- 2048 (6) A patron may transport beer between the licensed areas of a facility with both an
2049 on-premise beer retailer license and an on-premise banquet license if the patron
2050 transports the beer to and from an area of each licensed premises:
- 2051 (a) if the premises are contiguous; and
2052 (b) where the consumption of beer is permitted.
- 2053 (7) A patron may transport an alcoholic beverage from a bar establishment licensee to a
2054 restaurant licensee if:

- 2055 (a) the bar establishment licensee is adjacent to the restaurant licensee;
 2056 (b) the distance between the bar and the restaurant licensee is no more than ~~5~~ → [30]
 2055a 35 ←~~5~~ feet;
 2057 (c) the bar establishment licensee and the restaurant licensee are under the same
 2058 ownership;
 2059 (d) an employee of the bar establishment licensee escorts the patron to the restaurant
 2060 licensee; and
 2061 (e) the patron does not enter, cross, or otherwise use a public walkway to transport the
 2062 alcoholic beverage to the restaurant licensee.

2063 Section 20. Section **32B-6-203** is amended to read:

2064 **32B-6-203 (Effective 05/06/26). Commission's power to issue full-service**
 2065 **restaurant license.**

- 2066 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an
 2067 alcoholic product on [its] the person's premises as a full-service restaurant, the person
 2068 shall first obtain a full-service restaurant license from the commission in accordance
 2069 with this part.
- 2070 (2) The commission may issue a full-service restaurant license to establish full-service
 2071 restaurant licensed premises at places and in numbers the commission considers proper
 2072 for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product
 2073 on premises operated as a full-service restaurant.
- 2074 (3) Subject to Section 32B-1-201:
- 2075 (a) the commission may not issue a total number of full-service restaurant licenses that
 2076 at any time exceeds the sum of:
- 2077 (i) 30; and
- 2078 (ii) the number determined by dividing the population of the state by:
- 2079 (A) before July 1, 2024, 4,467;
 2080 (B) in fiscal year 2025, 4,281;
 2081 (C) in fiscal year 2026, 4,095;
 2082 (D) in fiscal year 2027, 3,909;
 2083 (E) in fiscal year 2028, 3,723;
 2084 (F) in fiscal year 2029, 3,537;
 2085 (G) in fiscal year 2030, 3,351; and
 2086 (H) in fiscal year 2031, and in each fiscal year thereafter, 3,167;
- 2087 (b) the commission may issue a seasonal full-service restaurant license in accordance

- 2088 with Section 32B-5-206; and
- 2089 (c)(i) if the location, design, and construction of a hotel may require more than one
- 2090 full-service restaurant sales location within the hotel to serve the public
- 2091 convenience, the commission may authorize the sale, offer for sale, or furnishing
- 2092 of an alcoholic product at as many as three full-service restaurant locations within
- 2093 the hotel under one full-service restaurant license if:
- 2094 (A) the hotel has a minimum of 150 guest rooms; and
- 2095 (B) the locations under the full-service restaurant license are:
- 2096 (I) within the same hotel; and
- 2097 (II) on premises that are managed or operated, and owned or leased, by the
- 2098 full-service restaurant licensee; and
- 2099 (ii) except for a hotel, a facility shall have a separate full-service restaurant license
- 2100 for each full-service restaurant where an alcoholic product is sold, offered for sale,
- 2101 or furnished.
- 2102 (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a
- 2103 full-service restaurant license for premises that do not meet the proximity requirements
- 2104 of Subsection 32B-1-202(2).
- 2105 (5)(a) To be licensed as a full-service restaurant, a person shall maintain at least 70% of
- 2106 the person's gross revenues from the sale of food.
- 2107 (b) A person complies with Subsection (5)(a) if the percentage calculated by dividing
- 2108 the person's annual markup cost by the sum of the person's annual gross revenues
- 2109 from food sales and the person's annual markup cost does not exceed 30%.
- 2110 [~~(5) To be licensed as a full-service restaurant, a person shall maintain at least 70% of the~~
- 2111 ~~restaurant's gross revenues from the sale of food, which does not include:]~~
- 2112 [~~(a) mix for an alcoholic product; or]~~
- 2113 [~~(b) a service charge.]~~
- 2114 Section 21. Section **32B-6-303** is amended to read:
- 2115 **32B-6-303 (Effective 05/06/26). Commission's power to issue limited-service**
- 2116 **restaurant license.**
- 2117 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of
- 2118 wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall
- 2119 first obtain a limited-service restaurant license from the commission in accordance with
- 2120 this part.
- 2121 (2)(a) The commission may issue a limited-service restaurant license to establish

- 2122 limited-service restaurant licensed premises at places and in numbers the commission
 2123 considers proper for the storage, sale, offer for sale, furnishing, and consumption of
 2124 wine, heavy beer, or beer on premises operated as a limited-service restaurant.
- 2125 (b) A person may not sell, offer for sale, furnish, or allow the consumption of the
 2126 following on the licensed premises of a limited-service restaurant licensee:
 2127 (i) spirituous liquor; or
 2128 (ii) a flavored malt beverage.
- 2129 (3) Subject to Section 32B-1-201:
- 2130 (a) The commission may not issue a total number of limited-service restaurant licenses
 2131 that at any time exceeds the number determined by dividing the population of the
 2132 state by 6,817.
- 2133 (b) The commission may issue a seasonal limited-service restaurant license in
 2134 accordance with Section 32B-5-206.
- 2135 (c)(i) If the location, design, and construction of a hotel may require more than one
 2136 limited-service restaurant sales location within the hotel to serve the public
 2137 convenience, the commission may authorize the sale of wine, heavy beer, and beer
 2138 at as many as three limited-service restaurant locations within the hotel under one
 2139 limited-service restaurant license if:
 2140 (A) the hotel has a minimum of 150 guest rooms; and
 2141 (B) the locations under the limited-service restaurant license are:
 2142 (I) within the same hotel; and
 2143 (II) on premises that are managed or operated, and owned or leased, by the
 2144 limited-service restaurant licensee.
- 2145 (ii) A facility other than a hotel shall have a separate limited-service restaurant
 2146 license for each limited-service restaurant where wine, heavy beer, or beer is sold,
 2147 offered for sale, or furnished.
- 2148 (4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a
 2149 limited-service restaurant license for premises that do not meet the proximity
 2150 requirements of Subsection 32B-1-202(2).
- 2151 ~~[(5) To be licensed as a limited-service restaurant, a person shall maintain at least 70% of~~
 2152 ~~the restaurant's gross revenues from the sale of food, which does not include:]~~
 2153 ~~[(a) mix for an alcoholic product; or]~~
 2154 ~~[(b) a service charge.]~~
- 2155 (5)(a) To be licensed as a limited-service restaurant, a person shall maintain at least 70%

2156 of the person's gross revenues from the sale of food.

2157 (b) A person complies with Subsection (5)(a) if the percentage calculated by dividing
2158 the person's annual markup cost by the sum of the person's annual gross revenues
2159 from food sales and the person's annual markup cost does not exceed 30%.

2160 Section 22. Section **32B-6-605** is amended to read:

2161 **32B-6-605 (Effective 05/06/26). Specific operational requirements for on-premise**
2162 **banquet license.**

2163 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
2164 Requirements, an on-premise banquet licensee and staff of the on-premise banquet
2165 licensee shall comply with this section.

2166 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
2167 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2168 (i) an on-premise banquet licensee;

2169 (ii) individual staff of an on-premise banquet licensee; or

2170 (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

2171 (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5)
2172 for the entire premises of the hotel, resort facility, sports center, convention center,
2173 performing arts facility, arena, restaurant venue, or amphitheater that is the basis for the
2174 on-premise banquet license.

2175 (3)(a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee
2176 shall provide the department with advance notice of a scheduled banquet in
2177 accordance with rules made by the commission.

2178 (b) Any of the following may conduct a random inspection of a banquet:

2179 (i) an authorized representative of the commission or the department; or

2180 (ii) a law enforcement officer.

2181 (4)(a) An on-premise banquet licensee is not subject to Subsection 32B-5-302(1), but
2182 shall make and maintain the records described in Subsection 32B-5-302(2) and the
2183 records the commission or department requires.

2184 (b) Section 32B-1-205 applies to a record required to be made or maintained in
2185 accordance with this Subsection (4).

2186 (5)(a) Except as otherwise provided in this title, an on-premise banquet licensee may
2187 sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption
2188 at the location of the banquet.

2189 (b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:

- 2190 (i) a person at a banquet other than the on-premise banquet licensee or staff of the
2191 on-premise banquet licensee, may not remove an alcoholic product from the
2192 premises of the banquet; and
- 2193 (ii) a patron at a banquet may not bring an alcoholic product into or onto the premises
2194 of the banquet.
- 2195 (6)(a) An on-premise banquet licensee may not leave an unsold alcoholic product at the
2196 banquet following the conclusion of the banquet.
- 2197 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:
- 2198 (i) destroy an opened and unused alcoholic product that is not saleable, under
2199 conditions [~~established by~~]the department establishes; and
- 2200 (ii) return to the on-premise banquet licensee's approved [~~locked~~]storage area any:
- 2201 (A) opened and unused alcoholic product that is saleable; and
- 2202 (B) unopened container of an alcoholic product.
- 2203 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of
2204 an alcoholic product not sold or consumed at a banquet, an on-premise banquet
2205 licensee:
- 2206 (i) shall store the alcoholic product in the on-premise banquet licensee's approved [~~locked~~]
2207 storage area; and
- 2208 (ii) may use the alcoholic product at more than one banquet.
- 2209 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a
2210 minor to sell, furnish, or dispense an alcoholic product in connection with the
2211 on-premise banquet licensee's banquet and room service activities.
- 2212 (8) An on-premise banquet licensee:
- 2213 (a) may provide room service in portions described in Section 32B-5-304;
- 2214 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
2215 connection with room service any day during a period that:
- 2216 (i) begins at 1 a.m.; and
- 2217 (ii) ends at 9:59 a.m.; and
- 2218 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
2219 product free of charge per guest reservation, per guest room, if the alcoholic product:
- 2220 (i) is not a spirituous liquor; and
- 2221 (ii) is in an unopened container not to exceed 750 milliliters.
- 2222 (9)(a) Subject to the other provisions of this Subsection (9), a patron may not have more
2223 than two alcoholic products of any kind at a time before the patron.

- 2224 (b) A patron may not have more than one spirituous liquor drink at a time before the
2225 patron.
- 2226 (c) An individual portion of wine is considered to be one alcoholic product under
2227 Subsection (9)(a).
- 2228 (10)(a) An on-premise banquet licensee shall supervise and direct a person involved in
2229 the sale, offer for sale, or furnishing of an alcoholic product.
- 2230 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2231 shall complete an alcohol training and education seminar.
- 2232 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
2233 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
2234 banquet.
- 2235 (12)(a) Room service of an alcoholic product to a guest room or privately owned
2236 dwelling unit of a hotel or resort facility shall be provided in person by staff of an
2237 on-premise banquet licensee only to an adult guest in the guest room or privately
2238 owned dwelling unit.
- 2239 (b) An alcoholic product may not be left outside a guest room or privately owned
2240 dwelling unit for retrieval by a guest or resident.
- 2241 (13) An on-premise banquet licensee may not maintain a minibar.
- 2242 Section 23. Section **32B-6-803** is amended to read:
- 2243 **32B-6-803 (Effective 05/06/26). Commission's power to issue reception center**
2244 **license.**
- 2245 (1) Before a person may store, sell, offer for sale, or furnish an alcoholic product on the
2246 person's premises as a reception center, the person shall first obtain a reception center
2247 license from the commission in accordance with this part.
- 2248 (2) The commission may issue a reception center license to establish reception center
2249 licensed premises at places and in numbers the commission considers proper for the
2250 storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on
2251 premises operated as a reception center.
- 2252 (3) Subject to Section 32B-1-201, the commission may not issue a total number of
2253 reception center licenses that at any time exceeds the sum of:
- 2254 (a) a number determined by dividing the population of the state by 251,693[-] ; and
2255 (b) 4.
- 2256 (4) The commission may not issue a reception center license for premises that do not meet
2257 the proximity requirements of Section 32B-1-202.

- 2258 (5)(a) To be licensed as a reception center, a person shall maintain at least 70% of the
 2259 person's gross revenues from the sale of food.
- 2260 (b) A person complies with Subsection (5)(a) if the percentage calculated by dividing
 2261 the person's annual markup cost by the sum of the person's annual gross revenues
 2262 from food sales and the person's annual markup cost does not exceed 30%.
- 2263 [~~(5)(a) To be licensed as a reception center, a person may not maintain more than 30%~~
 2264 ~~of the person's total annual gross receipts from the sale of alcoholic products.]~~
- 2265 [~~(b) For purposes of Subsection (5)(a):]~~
- 2266 [~~(i) an alcoholic product includes:]~~
- 2267 [~~(A) mix for an alcoholic product; and]~~
- 2268 [~~(B) a charge in connection with the furnishing of an alcoholic product; and]~~
- 2269 [~~(ii) gross receipts do not include any charge for renting a room or facility.]~~
- 2270 [~~(c) A reception center licensee shall report the information necessary to show~~
 2271 ~~compliance with this Subsection (5) to the department on an annual basis.]~~
- 2272 Section 24. Section **32B-6-805** is amended to read:
- 2273 **32B-6-805 (Effective 05/06/26). Specific operational requirements for a reception**
 2274 **center license.**
- 2275 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
 2276 Requirements, a reception center licensee and staff of the reception center licensee
 2277 shall comply with this section.
- 2278 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
 2279 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
- 2280 (i) a reception center licensee;
- 2281 (ii) individual staff of a reception center licensee; or
- 2282 (iii) both a reception center licensee and staff of the reception center licensee.
- 2283 (2) In addition to complying with Section 32B-5-303, a reception center licensee shall store
 2284 an alcoholic product in a storage area described in Subsection (14)(a).
- 2285 (3)(a) For the purpose described in Subsection (3)(b), a reception center licensee shall
 2286 provide the following with advance notice of a scheduled event in accordance with
 2287 rules ~~[made by]~~the commission makes:
- 2288 (i) the department; and
- 2289 (ii) the local law enforcement agency responsible for the enforcement of this title in
 2290 the jurisdiction where the reception center is located.
- 2291 (b) Any of the following may conduct a random inspection of an event:

- 2292 (i) an authorized representative of the commission or the department; or
2293 (ii) a law enforcement officer.
- 2294 (4)(a) Except as otherwise provided in this title, a reception center licensee may sell,
2295 offer for sale, or furnish an alcoholic product at an event only for consumption at the
2296 reception center's licensed premises.
- 2297 (b) A host of an event, a patron, or a person other than the reception center licensee or
2298 staff of the reception center licensee, may not remove an alcoholic product from the
2299 reception center's licensed premises.
- 2300 (c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an alcoholic
2301 product into or onto, or remove an alcoholic product from, the reception center.
- 2302 (5)(a) A reception center licensee may not leave an unsold alcoholic product at an event
2303 following the conclusion of the event.
- 2304 (b) At the conclusion of an event, a reception center licensee shall:
- 2305 (i) destroy an opened and unused alcoholic product that is not saleable, under
2306 conditions [~~established by~~]the department establishes; and
- 2307 (ii) return to the reception center licensee's approved [~~locked~~]storage area any:
- 2308 (A) opened and unused alcoholic product that is saleable; and
2309 (B) unopened container of an alcoholic product.
- 2310 (c) Except as provided in Subsection (5)(b) with regard to an open or sealed container of
2311 an alcoholic product not sold or consumed at an event, a reception center licensee:
- 2312 (i) shall store the alcoholic product in accordance with Subsection (2); and
2313 (ii) may use the alcoholic product at more than one event.
- 2314 (6) Notwithstanding Section 32B-5-308, a reception center licensee may not employ a
2315 minor in connection with an event at the reception center at which food is not made
2316 available.
- 2317 (7) A person's willingness to serve an alcoholic product may not be made a condition of
2318 employment as a server with a reception center licensee.
- 2319 (8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at
2320 the licensed premises on any day during the period that:
- 2321 (a) begins at 1 a.m.; and
2322 (b) ends at 9:59 a.m.
- 2323 (9) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at
2324 an event at which a minor is present unless the reception center licensee makes food
2325 available at all times when an alcoholic product is sold, offered for sale, furnished, or

- 2326 consumed during the event.
- 2327 (10)(a) Subject to the other provisions of this Subsection (10), a patron may not have
2328 more than two alcoholic products of any kind at a time before the patron.
- 2329 (b) An individual portion of wine is considered to be one alcoholic product under
2330 Subsection (10)(a).
- 2331 (11)(a) A reception center licensee shall supervise and direct a person involved in the
2332 sale, offer for sale, or furnishing of an alcoholic product.
- 2333 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
2334 shall complete an alcohol training and education seminar.
- 2335 (12) A staff person of a reception center licensee shall remain at an event at all times when
2336 an alcoholic product is sold, offered for sale, furnished, or consumed at the event.
- 2337 (13) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product
2338 to a patron, and a patron may not consume an alcoholic product at a bar structure.
- 2339 (14) Except as provided in Subsection (15), a reception center licensee may dispense an
2340 alcoholic product only if:
- 2341 (a) the alcoholic product is dispensed from an area that is:
- 2342 (i) separated from an area for the consumption of food by a patron by a solid,
2343 translucent, permanent structural barrier such that the facilities for the storage or
2344 dispensing of an alcoholic product are:
- 2345 (A) not readily visible to a patron; and
2346 (B) not accessible by a patron; and
- 2347 (ii) apart from an area used:
- 2348 (A) for staging; or
2349 (B) as a lobby or waiting area;
- 2350 (b) the reception center licensee uses an alcoholic product that is:
- 2351 (i) stored in an area described in Subsection (14)(a); or
2352 (ii) in an area not described in Subsection (14)(a) on the licensed premises and:
- 2353 (A) immediately before the alcoholic product is dispensed it is in an unopened
2354 container;
2355 (B) the unopened container is taken to an area described in Subsection (14)(a)
2356 before it is opened; and
2357 (C) once opened, the container is stored in an area described in Subsection (14)(a);
2358 and
- 2359 (c) any instrument or equipment used to dispense an alcoholic product is located in an

- 2360 area described in Subsection (14)(a).
- 2361 (15) A reception center licensee may dispense an alcoholic product from a mobile serving
2362 area that:
- 2363 (a) is moved only by staff of the reception center licensee;
- 2364 (b) is capable of being moved by only one individual; and
- 2365 (c) is no larger than [6] six feet long and 30 inches wide.
- 2366 (16)(a) A reception center licensee may not have an event on the licensed premises
2367 unless the event:
- 2368 (i) is [~~pursuant to~~] in accordance with a contract between a third party host of the
2369 event and the reception center licensee under which the reception center licensee
2370 provides an alcoholic product sold, offered for sale, or furnished at an event; or
- 2371 (ii) is a private event.
- 2372 (b) At an event, a reception center licensee may furnish an alcoholic product:
- 2373 (i) without charge to a patron, except that the third party host of the event shall pay
2374 for an alcoholic product furnished at the event; or
- 2375 (ii) with a charge to a patron at the event.
- 2376 (c) The commission may by rule define what constitutes a "third-party host" for
2377 purposes of this Subsection (16) so that a reception center licensee and the third-party
2378 host are not owned by or operated by the same persons, except that the rule shall
2379 permit a reception center licensee to host an event for an immediate family member
2380 of the reception center licensee.
- 2381 (17) A reception center licensee shall have culinary facilities that are:
- 2382 (a) adequate to prepare a full meal; and
- 2383 (b)(i) located on the licensed premises; or
- 2384 (ii) under the same control as the reception center licensee.
- 2385 (18)(a) Except as provided in Subsection (18)(b), a reception center licensee may not
2386 operate an event:
- 2387 (i) that is open to the general public; and
- 2388 (ii) at which an alcoholic product is sold or offered for sale.
- 2389 (b) A reception center licensee may operate an event described in Subsection (18)(a) if
2390 the event is hosted:
- 2391 (i) at the reception center no more frequently than once a calendar year; and
- 2392 (ii) by a nonprofit organization that is organized and qualified under Section 501(c),
2393 Internal Revenue Code.

2394 Section 25. Section **32B-6-903** is amended to read:

2395 **32B-6-903 (Effective 05/06/26). Commission's power to issue beer-only**
 2396 **restaurant license.**

2397 (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer
 2398 on its premises as a beer-only restaurant, the person shall first obtain a beer-only
 2399 restaurant license from the commission in accordance with this part.

2400 ~~[(2)]~~ ~~(a)~~~~[(a)]~~ (i) The commission may issue a beer-only restaurant license to establish
 2401 beer-only restaurant licensed premises at places and in numbers the commission
 2402 considers proper for the storage, sale, offer for sale, furnishing, and consumption
 2403 of beer on premises operated as a beer-only restaurant.

2404 ~~[(b)]~~ (ii) A person may not sell, offer for sale, furnish, or allow the consumption of
 2405 liquor on the licensed premises of a beer-only restaurant licensee.

2406 ~~[(3)]~~ ~~(b)~~~~[(a)]~~ (i) Only one beer-only restaurant license is required for each building or
 2407 resort facility owned or leased by the same person.

2408 ~~[(b)]~~ (ii) A separate license is not required for each beer-only restaurant license
 2409 dispensing location in the same building or on the same resort premises owned or
 2410 operated by the same person.

2411 ~~[(4)]~~ (c) Except as otherwise provided in Section 32B-1-202, the commission may not
 2412 issue a beer-only restaurant license for premises that do not meet the proximity
 2413 requirements of Subsection 32B-1-202(2).

2414 ~~[(5) To be licensed as a beer-only restaurant, a person shall maintain at least 70% of the~~
 2415 ~~restaurant's gross revenues from the sale of food, which does not include a service~~
 2416 ~~charge.]~~

2417 (2)(a) To be licensed as a beer-only restaurant, a person shall maintain at least 70% of
 2418 the person's gross revenues from the sale of food.

2419 (b) A person complies with Subsection (2)(a) if the percentage calculated by dividing
 2420 the person's annual markup cost by the sum of the person's annual gross revenues
 2421 from food sales and the person's annual markup cost does not exceed 30%.

2422 Section 26. Section **32B-7-202** is amended to read:

2423 **32B-7-202 (Effective 05/06/26). General operational requirements for**
 2424 **off-premise beer retailer.**

2425 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
 2426 with the provisions of this title and any applicable rules made by the commission.

2427 ~~[(2)]~~ (b) Failure to comply with this section may result in a suspension or revocation of a

2428 local license and, on or after July 1, 2018, disciplinary action in accordance with
 2429 Chapter 3, Disciplinary Actions and Enforcement Act.

2430 ~~[(3)]~~ (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
 2431 purpose of resale, or sell beer, except beer that the off-premise beer retailer
 2432 lawfully purchases from:

2433 (A) a beer wholesaler licensee; or

2434 (B) a small brewer that manufactures the beer.

2435 (ii) A violation of Subsection ~~[(2)(a)]~~ (2)(a)(i) is a class A misdemeanor.

2436 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
 2437 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
 2438 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
 2439 in the geographical area in which the off-premise beer retailer is located, unless an
 2440 alternate wholesaler is authorized by the department to sell to the off-premise beer
 2441 retailer as provided in Section 32B-13-301.

2442 (ii) A violation of Subsection ~~[(2)(b)]~~ (2)(b)(i) is a class B misdemeanor.

2443 ~~[(4)]~~ (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
 2444 container larger than two liters.

2445 ~~[(5)]~~ (4)(a) Staff of an off-premise beer retailer, while on duty, may not:

2446 (i) consume an alcoholic product; or

2447 (ii) be intoxicated.

2448 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
 2449 unless:

2450 (i) the sale is done under the supervision of a person 21 years old or older who is on
 2451 the licensed premises; and

2452 (ii) the minor is at least 16 years old.

2453 ~~[(6)]~~ (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic
 2454 product to:

2455 (a) a minor;

2456 (b) a person actually, apparently, or obviously intoxicated;

2457 (c) a known interdicted person; or

2458 (d) a known habitual drunkard.

2459 ~~[(7)]~~ (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer
 2460 retailer shall:

2461 (i) display all beer accessible by and visible to a patron in no more than two locations

- 2462 on the retail sales floor, each of which is:
- 2463 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
- 2464 beverage displayed; and
- 2465 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
- 2466 cooler with a door from which the nonalcoholic beverages are not accessible,
- 2467 or the beer is separated from the display of nonalcoholic beverages by a display
- 2468 of one or more nonbeverage products or another physical divider; and
- 2469 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 2470 (A) is prominent;
- 2471 (B) is easily readable by a consumer;
- 2472 (C) meets the requirements for format established by the commission by rule; and
- 2473 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
- 2474 contain alcohol. Please read the label carefully."
- 2475 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
- 2476 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 2477 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
- 2478 labeled, packaged, or advertised as:
- 2479 (i) a malt cooler; or
- 2480 (ii) a beverage that may provide energy.
- 2481 (d) A violation of this Subsection (6) is an infraction.
- 2482 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
- 2483 (6)(a)(i) apply on and after May 9, 2017.
- 2484 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
- 2485 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 2486 [(8)] (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer
- 2487 or who sells beer to a patron for consumption off the premises of the off-premise beer
- 2488 retailer shall wear a unique identification badge:
- 2489 (i) on the front of the staff's clothing;
- 2490 (ii) visible above the waist;
- 2491 (iii) bearing the staff's:
- 2492 (A) first or last name;
- 2493 (B) initials; or
- 2494 (C) unique identification in letters or numbers; and
- 2495 (iv) with the number or letters on the unique identification badge being sufficiently

- 2496 large to be clearly visible and identifiable while engaging in or directly
2497 supervising the retail sale of beer.
- 2498 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
2499 unique identification badge assigned by the off-premise beer retailer that includes the
2500 staff's:
- 2501 (i) full name;
 - 2502 (ii) address; and
 - 2503 (iii)(A) driver license number; or
2504 (B) similar identification number.
- 2505 (c) An off-premise beer retailer shall make available a record required to be made or
2506 maintained under this Subsection (7) for immediate inspection by:
- 2507 (i) a peace officer;
 - 2508 (ii) a representative of the local authority that issues the off-premise beer retailer
2509 license; or
 - 2510 (iii) for an off-premise beer retailer state license, a representative of the commission
2511 or department.
- 2512 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
2513 retailer that does not comply or require its staff to comply with this Subsection (7).
- 2514 [(9)] (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 2515 (i) at a drive-through window;
 - 2516 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
2517 off-premise beer retailer's licensed premises; or
 - 2518 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 2519 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
2520 Subsection (8)(a)(iii) is:
- 2521 (A) located on property that the off-premise beer retailer owns or has a legal right
2522 to occupy;
 - 2523 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
2524 and
 - 2525 (C) labeled in a conspicuous manner that communicates the purpose described in
2526 Subsection [(8)(b)(ii)-] (8)(b)(i)(B).
- 2527 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
2528 designated parking stall described in Subsection (8)(a)(iii) unless:
- 2529 (A) the off-premise beer retailer ensures that the individual purchasing the beer

2530 purchases the beer before parking in the designated parking stall;
 2531 (B) the off-premise beer retailer delivers the beer directly from the off-premise
 2532 beer retailer's licensed premises to the designated parking stall;
 2533 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
 2534 purchaser's age in accordance with Section 32B-1-407; and
 2535 (D) the off-premise beer retailer maintains video surveillance of the designated
 2536 parking stall.

2537 (c) Nothing in this Subsection (8) modifies the other requirements of this section.

2538 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
 2539 accordance with this Subsection (8) shall comply with the training requirements
 2540 described in Section 32B-1-703.

2541 ~~[(10)]~~ (9) An off-premise beer retailer may not on the licensed premises:

2542 (a) engage in or permit any form of:

2543 (i) gambling, as defined in Section 76-9-1401; or

2544 (ii) fringe gambling, as defined in Section 76-9-1401;

2545 (b) have any fringe gaming device, video gaming device, or gambling device or record
 2546 as defined in Section 76-9-1401; or

2547 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
 2548 the risking of something of value for a return or for an outcome when the return or
 2549 outcome is based upon an element of chance, excluding the playing of an amusement
 2550 device that confers only an immediate and unrecorded right of replay not
 2551 exchangeable for value.

2552 ~~[(11)]~~ (10) An off-premise beer retailer may not knowingly allow a person on the licensed
 2553 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
 2554 Title 58, Chapter 37a, Utah Drug Paraphernalia Act:

2555 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
 2556 or

2557 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
 2558 Section 58-37a-3.

2559 ~~[(12)]~~ (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
 2560 intended to be frozen and consumed in a manner other than as a beverage, including beer
 2561 in the form of a freeze pop, popsicle, ice cream, or sorbet.

2562 Section 27. Section **32B-8-401** is amended to read:

2563 **32B-8-401 (Effective 05/06/26). Specific operational requirements for resort**

2564 **license.**

2565 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational

2566 Requirements, a resort licensee, staff of the resort licensee, and a sublicensee or a

2567 person otherwise operating under a sublicense shall comply with this section.

2568 (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a)

2569 may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions

2570 and Enforcement Act, against:

2571 (i) the resort licensee;

2572 (ii) individual staff of the resort licensee;

2573 (iii) a sublicensee or person otherwise operating under a sublicense of the resort

2574 licensee;

2575 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense

2576 of the resort licensee; or

2577 (v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).

2578 (2)(a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product

2579 except:

2580 (i) on sublicensed premises;

2581 (ii) pursuant to a permit issued under this title;

2582 (iii) under a package agency agreement with the department, subject to Chapter 2,

2583 Part 6, Package Agency; or

2584 (iv) through room service.

2585 (b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as

2586 provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic

2587 product:

2588 (i) if on a sublicense premises, in accordance with the operational requirements

2589 described in Section 32B-8d-104;

2590 (ii) if under a permit issued under this title, in accordance with the operational

2591 requirements under the provisions applicable to the permit;

2592 (iii) if as a package agency, in accordance with the contract with the department and

2593 Chapter 2, Part 6, Package Agency; and

2594 (iv) if through room service, in accordance with Subsection (6).

2595 [~~(3) A resort licensee shall operate in a manner so that at least 70% of the annual aggregate~~

2596 ~~of the gross receipts related to the sale of food or beverages for the resort license and~~

2597 ~~each of the resort licensee's sublicenses is from the sale of food, not including:]~~

- 2598 ~~[(a) mix for an alcoholic product; and]~~
 2599 ~~[(b) a charge in connection with the service of an alcoholic product.]~~
- 2600 (3)(a) To be licensed as a resort licensee, a person shall maintain at least 70% of the
 2601 person's gross revenues related to the sale of food or beverages for the resort licensee
 2602 and each of the resort licensee's sublicenses from the sale of food.
- 2603 (b) A person complies with Subsection (3)(a) if the percentage calculated by dividing
 2604 the person's annual markup cost by the sum of the person's annual gross revenues
 2605 from food sales and the person's annual markup cost does not exceed 30%.
- 2606 (4)(a) A resort licensee shall supervise and direct a person involved in the sale, offer for
 2607 sale, or furnishing of an alcoholic product under a resort license.
- 2608 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
 2609 under a resort license shall complete the alcohol training and education seminar.
- 2610 (5) A resort licensee shall:
- 2611 (a) in accordance with commission rule, establish and maintain signage that clearly
 2612 identifies each designated conveyance area and conspicuously states that a patron
 2613 may not take an alcoholic beverage beyond the designated conveyance area except as
 2614 otherwise provided in this chapter;
- 2615 (b) ensure that an alcoholic beverage is not left unattended in a designated conveyance
 2616 area; and
- 2617 (c) ensure that each patron complies with the requirements of Subsection
 2618 32B-8d-104(5)(b)(ii).
- 2619 (6)(a) Staff of the resort licensee shall provide room service of an alcoholic product to a
 2620 lodging accommodation of a resort licensee in person only to an adult occupant in the
 2621 lodging accommodation.
- 2622 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval
 2623 by an occupant.
- 2624 Section 28. Section **32B-8b-102** is amended to read:
 2625 **32B-8b-102 (Effective 05/06/26). Definitions.**
 2626 As used in this chapter:
- 2627 (1) "Boundary of a hotel" means the physical boundary of one or more contiguous parcels
 2628 of real property owned or managed by the same person and on which a hotel is located.
- 2629 (2) "Designated conveyance area" means a route within a hotel or resort:
- 2630 (a) that connects one or more of the following by the most direct route possible:
 2631 (i) the premises of a bar establishment sublicensee;

- 2632 (ii) the premises of a hospitality amenity sublicensee;
 2633 (iii) the premises of an on-premise banquet sublicensee; or
 2634 (iv) a guest's room; and
 2635 (b) does not begin, end, or pass through a pool area or other recreation area, a designated
 2636 business center, or a sublicensed premises not described in Subsection (2)(a).

2637 (3) "Hotel" means one or more buildings that:

- 2638 (a) comprise a hotel, as defined by the commission;
 2639 (b) are owned or managed by the same person or by a person who has a majority interest
 2640 in or can direct or exercise control over the management or policy of the person who
 2641 owns or manages any other building under the hotel license within the boundary of
 2642 the hotel;
 2643 (c) primarily operate to provide lodging accommodations;
 2644 (d) have on-premise banquet space and provide on-premise banquet service within the
 2645 boundary of the hotel meeting the requirements of this title;
 2646 (e) have a restaurant or bar establishment within the boundary of the hotel meeting the
 2647 requirements of this title; and
 2648 (f) have at least [40] 30 rooms as temporary sleeping accommodations for compensation.

2649 Section 29. Section **32B-8b-301** is amended to read:

2650 **32B-8b-301 (Effective 05/06/26). Specific operational requirements for hotel**
 2651 **license.**

- 2652 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
 2653 Requirements, a hotel licensee, staff of the hotel licensee, and a sublicensee or person
 2654 otherwise operating under a sublicense shall comply with this section.
 2655 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action
 2656 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 2657 (i) the hotel licensee;
 2658 (ii) individual staff of the hotel licensee;
 2659 (iii) a sublicensee or person otherwise operating under a sublicense of the hotel
 2660 licensee;
 2661 (iv) individual staff of a sublicensee or person otherwise operating under a sublicense
 2662 of the hotel licensee; or
 2663 (v) any combination of the persons listed in this Subsection (1)(b).
 2664 (2)(a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product except:
 2665 (i) on sublicensed premises;

- 2666 (ii) ~~[pursuant to]~~ in accordance with a permit issued under this title;
- 2667 (iii) under a package agency agreement with the department, subject to Chapter 2,
- 2668 Part 6, Package Agency; or
- 2669 (iv) through room service.
- 2670 (b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as
- 2671 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:
- 2672 (i) if on sublicensed premises, in accordance with the operational requirements
- 2673 described in Section 32B-8d-104;
- 2674 (ii) if under a permit issued under this title, in accordance with the operational
- 2675 requirements under the provisions applicable to the permit;
- 2676 (iii) if as a package agency, in accordance with the contract with the department and
- 2677 Chapter 2, Part 6, Package Agency; and
- 2678 (iv) if through room service, in accordance with Subsection (5).
- 2679 (c) Notwithstanding the other provisions of this Subsection (2) and except as provided in
- 2680 Section 32B-8d-104, a hotel licensee may not permit a patron to carry an alcoholic
- 2681 product off the premises of a sublicense in violation of Section 32B-5-307, off an
- 2682 area designated under a permit, or off a designated conveyance area.
- 2683 (3) A hotel licensee shall supervise and direct a person involved in the sale, offer for sale,
- 2684 or furnishing of an alcoholic product under a hotel license.
- 2685 (4)(a) A hotel licensee shall:
- 2686 (i) in accordance with commission rule, establish and maintain signage that clearly
- 2687 identifies each designated conveyance area and conspicuously states that a patron
- 2688 may not take an alcoholic beverage beyond the designated conveyance area except
- 2689 as otherwise provided in this chapter;
- 2690 (ii) ensure that an alcoholic beverage is not left unattended in a designated
- 2691 conveyance area; and
- 2692 (iii) ensure that each patron complies with the requirements of Subsection
- 2693 32B-8d-104(5)(b)(ii).
- 2694 (b) In accordance with Subsection (2), a hotel licensee may not sell, offer for sale, or
- 2695 furnish an alcoholic product in a designated conveyance area.
- 2696 (5)(a) Staff of the hotel licensee shall provide room service of an alcoholic product to a
- 2697 lodging accommodation of a hotel licensee in person only to an adult occupant in the
- 2698 lodging accommodation.
- 2699 (b) An alcoholic product may not be left outside a lodging accommodation for retrieval

2700 by an occupant.

2701 (6)(a) To be licensed as a hotel licensee, a person shall maintain at least 70% of the
 2702 person's gross revenues related to the sale of food or beverages for the hotel licensee
 2703 and each of the hotel licensee's sublicenses from the sale of food.

2704 (b) A person complies with Subsection (6)(a) if the percentage calculated by dividing
 2705 the hotel's and each of the hotel's sublicense's annual markup cost by the sum of the
 2706 the hotel's and each of the hotel's sublicense's annual gross revenues from food sales
 2707 and the hotel's and each of the hotel's sublicense's annual markup cost does not
 2708 exceed 30%

2709 [~~(6) A hotel licensee shall operate in a manner so that at least 70% of the annual aggregate~~
 2710 ~~of the gross receipts related to the sale of food or beverages for the hotel license and~~
 2711 ~~each of the hotel license's sublicenses is from the sale of food, not including:]~~

2712 [~~(a) mix for an alcoholic product; and]~~

2713 [~~(b) a charge in connection with the service of an alcoholic product.]~~

2714 Section 30. Section **32B-8c-301** is amended to read:

2715 **32B-8c-301 (Effective 05/06/26). Specific operational requirements for arena**
 2716 **license.**

2717 (1)(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
 2718 Requirements, an arena licensee, staff of the arena licensee, and a sublicensee or
 2719 person otherwise operating under a sublicense shall comply with this section.

2720 (b) Failure to comply as provided in Subjection (1)(a) may result in disciplinary action
 2721 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2722 (i) the arena licensee;

2723 (ii) individual staff of the arena licensee;

2724 (iii) a sublicensee or person otherwise operating under a sublicense of the arena
 2725 licensee;

2726 (iv) individual staff of a sublicensee or person otherwise operating under a
 2727 sublicense; or

2728 (v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).

2729 (2)(a) An arena licensee may not sell, offer for sale, or furnish an alcoholic product
 2730 except:

2731 (i) on sublicensed premises;

2732 (ii) ~~[pursuant to]~~ in accordance with a permit issued under this title; or

2733 (iii) under a package agency agreement with the department, subject to Chapter 2,

2734 Part 6, Package Agency.

2735 (b) An arena licensee who sells, offers for sale, or furnishes an alcoholic product as
2736 provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:

2737 (i) if on sublicensed premises, in accordance with the operational requirements
2738 described in Section 32B-8d-104;

2739 (ii) if under a permit issued under this title, in accordance with the operational
2740 requirements under the provisions applicable to the permit; and

2741 (iii) if as a package agency, in accordance with the contract with the department and
2742 Chapter 2, Part 6, Package Agency.

2743 ~~[(3) An arena licensee shall operate in a manner so that at least 70% of the annual aggregate
2744 of the gross receipts related to the sale of food and beverages for the arena license and
2745 each of the arena license's sublicenses is from the sale of food, not including:]~~

2746 ~~[(a) mix for an alcoholic product; and]~~

2747 ~~[(b) a charge in connection with the service of an alcoholic product.]~~

2748 (3)(a) To be licensed as an arena licensee, a person shall maintain at least 70% of the
2749 person's gross revenues related to the sale of food or beverages for the arena licensee
2750 and each of the arena licensee's sublicenses from the sale of food.

2751 (b) A person complies with Subsection (3)(a) if the percentage calculated by dividing
2752 the arena's and each of the arena's sublicense's annual markup cost by the sum of the
2753 the arena's and each of the arena's sublicense's annual gross revenues from food sales
2754 and the arena's and each of the arena's sublicense's annual markup cost does not
2755 exceed 30%.

2756 (4) An arena licensee shall, directly or indirectly, supervise and direct a person involved in
2757 the sale, offer for sale, or furnishing of an alcoholic product under an arena license.

2758 Section 31. Section **32B-9-201** is amended to read:

2759 **32B-9-201 (Effective 05/06/26). Application requirements for event permit.**

2760 (1) To obtain an event permit, a person shall submit to the department:

2761 (a) a written application in a form that the department prescribes;

2762 (b) an event permit fee:

2763 (i) in the amount specified in the relevant part under this chapter for the type of event
2764 permit for which the person is applying; and

2765 (ii) that is refundable if an event permit is not issued;

2766 (c) written consent of the local authority;

2767 (d) a bond as specified by Section 32B-9-203;

- 2768 (e) the times, dates, location, estimated attendance, nature, and purpose of the event;
- 2769 (f) a description or floor plan designating:
- 2770 (i) the area in which the person proposes that an alcoholic product be stored;
- 2771 (ii) the site from which the person proposes that an alcoholic product be sold, offered
- 2772 for sale, or furnished; and
- 2773 (iii) the area in which the person proposes that an alcoholic product be allowed to be
- 2774 consumed;
- 2775 (g) a signed consent form stating that the event permittee will permit any authorized
- 2776 representative of the commission, department, or any law enforcement officer to have
- 2777 unrestricted right to enter the premises during the event;
- 2778 (h) if the person is an entity, proper verification evidencing that a person who signs the
- 2779 application is authorized to sign on behalf of the entity; and
- 2780 (i) any other information as the commission or department may require.
- 2781 (2) If a person substantially changes the person's application under Subsection (1) after the
- 2782 person initially submits the application, the person shall pay to the department a fee:
- 2783 (a) in an amount the department prescribes in accordance with Section 63J-1-504; and
- 2784 (b) that is nonrefundable, regardless of whether the department issues an event permit.
- 2785 (3) An entity applying for a permit need not meet the requirements of Subsections (1)(b), (c),
- 2786 and (d) if the entity is:
- 2787 (a) a state agency; or
- 2788 (b) a political subdivision of the state.
- 2789 (4) The director may not issue an event permit to a person who is disqualified under Section
- 2790 32B-1-304.
- 2791 (5)(a) The proximity requirements of Section 32B-1-202 do not apply to an event permit.
- 2792 (b) Notwithstanding Subsection (5)(a), nothing in this section prevents the director[~~, the~~
- 2793 ~~Compliance, Licensing, and Enforcement Subcommittee,~~] or the commission from
- 2794 considering the proximity of an educational, religious, or recreational facility, or any
- 2795 other relevant factor in deciding whether to issue an event permit.
- 2796 Section 32. Section **32B-9-202** is amended to read:
- 2797 **32B-9-202 (Effective 05/06/26). Duties before issuing event permit.**
- 2798 (1)(a) Before the director may issue an event permit, the department shall conduct an
- 2799 investigation and may hold public hearings to gather information and make
- 2800 recommendations to the director as to whether the director should issue an event
- 2801 permit.

- 2802 (b) The department shall provide the information and recommendations described in
 2803 Subsection (1)(a) to the director to aid in the director's determination.
- 2804 (2) Before issuing an event permit, the director shall:
- 2805 (a) determine that the person filed a complete application and is in compliance with:
- 2806 (i) Section 32B-9-201; and
- 2807 (ii) the relevant part under this chapter for the type of event permit for which the
 2808 person is applying;
- 2809 (b) determine that the person is not disqualified under Section 32B-1-304;
- 2810 (c) consider the purpose of the organization or its local lodge, chapter, or other local unit;
- 2811 (d) consider the times, dates, location, estimated attendance, nature, and purpose of the
 2812 event;
- 2813 (e) to minimize the risk of minors being sold or furnished alcohol or adults being
 2814 overserved alcohol at the event, determine that adequate and appropriate control
 2815 measures and adequate and appropriate enforcement measures are in place at the
 2816 event to assure that minors will not be sold or furnished alcohol and that adults will
 2817 not be overserved, except that adequate and appropriate control and enforcement
 2818 measures may be different for small, large, indoor, or outdoor events;
- 2819 (f) determine that the event permit is not being sought by the person as a means to
 2820 circumvent other applicable requirements of this title, notwithstanding that the
 2821 applicant may hold one or more licenses issued under this title;
- 2822 (g) consider, for the period of three years before the date of the event, the violation
 2823 history of:
- 2824 (i) the applicant; and
- 2825 (ii) the venue where the event will be held; and
- 2826 ~~[(h) provide the information and recommendations described in Subsection (1) to, and~~
 2827 ~~obtain the approval of, the Compliance, Licensing, and Enforcement Subcommittee;]~~
- 2828 ~~[(i) notify each commissioner before the director issues the event permit in accordance~~
 2829 ~~with Subsection (3); and]~~
- 2830 ~~[(j)]~~ (h) consider any other factor the director considers necessary.
- 2831 (3)~~[(a) Except as provided in Subsections (3)(d) and (e), the director shall notify~~
 2832 ~~each commissioner of the director's preliminary decision to issue or deny the issuance~~
 2833 ~~of an event permit three business days before the day on which the decision is to be~~
 2834 ~~final.]~~
- 2835 ~~[(b) The preliminary decision becomes a final decision of the director unless:]~~

2836 ~~[(i) within three business days after the day on which the notice is received at least~~
 2837 ~~three of the commissioners request a meeting to discuss whether the event permit~~
 2838 ~~should be issued; or]~~

2839 ~~[(ii) the director modifies or revokes the preliminary decision to issue or deny~~
 2840 ~~issuance of the event permit.]~~

2841 ~~[(e) If three or more of the commissioners request a meeting:]~~

2842 ~~[(i) the applicant for the event permit shall be notified; and]~~

2843 ~~[(ii) the commission shall:]~~

2844 ~~[(A) hold a meeting on the application for an event permit no later than the next~~
 2845 ~~regularly scheduled meeting of the commission; and]~~

2846 ~~[(B) issue the event permit if the applicant meets the requirements of this chapter~~
 2847 ~~or deny issuance of the event permit if the applicant fails to meet the~~
 2848 ~~requirements of this chapter.]~~

2849 ~~[(d) The commission may waive the three business day notice period described in~~
 2850 ~~Subsection (3)(a) on behalf of a commissioner.]~~

2851 ~~[(e) (a)(i) The director may at any time refer an application for an event permit~~
 2852 ~~directly to the commission for a determination as to whether an event permit~~
 2853 ~~should be issued or denied.~~

2854 ~~(ii) For purposes of this title, an event permit issued by the commission is to be~~
 2855 ~~treated the same as an event permit issued by the director.~~

2856 ~~[(f) (b) If the commission finds that an event permit was improperly issued or that the~~
 2857 ~~permittee has violated this chapter, the commission may take any action permitted~~
 2858 ~~under this title.~~

2859 (4) Once the director issues an event permit, the department shall send a copy of the
 2860 approved application and the event permit by written or electronic means to the state and
 2861 local law enforcement authorities at least three days before the event.

2862 (5) The director shall provide the commission a monthly report of the actions taken by the
 2863 director under this part.

2864 (6) If authorized by the director, the deputy director may act on behalf of the director for
 2865 purposes of issuing an event permit under this chapter.

2866 Section 33. Section **32B-9-204** is amended to read:

2867 **32B-9-204 (Effective 05/06/26). General operational requirements for an event**
 2868 **permit.**

2869 (1)(a) An event permittee and a person involved in the storage, sale, offer for sale, or

- 2870 furnishing of an alcoholic product at an event for which an event permit is issued,
2871 shall comply with this title and rules of the commission.
- 2872 (b) Failure to comply as provided in Subsection (1)(a):
- 2873 (i) may result in:
- 2874 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
2875 Enforcement Act, against:
- 2876 (I) an event permittee;
- 2877 (II) a person involved in the storage, sale, offer for sale, or furnishing of an
2878 alcoholic product at the event; or
- 2879 (III) any combination of the persons listed in this Subsection (1)(b);
- 2880 (B) immediate revocation of the event permit;
- 2881 (C) forfeiture of a bond; or
- 2882 (D) immediate seizure of an alcoholic product present at the event; and
- 2883 (ii) if the event permit is revoked, disqualifies the event permittee from applying for
2884 an event permit for a period of three years from the date of revocation of the event
2885 permit.
- 2886 (c) An alcoholic product seized under this Subsection (1) shall be returned to the event
2887 permittee after an event if forfeiture proceedings are not instituted under Section
2888 32B-4-206.
- 2889 (2)(a) If there is a conflict between this part and the relevant part under this chapter for
2890 the specific type of special use permit held by the special use permittee, the relevant
2891 part governs.
- 2892 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an
2893 event permittee may only sell, offer for sale, or furnish an alcoholic product specified
2894 in the relevant part under this chapter for the type of event permit that is held by the
2895 event permittee.
- 2896 (c) Notwithstanding that this part or the relevant part under this chapter for the type of
2897 event permit held by an event permittee refers to "event permittee," a person involved
2898 in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event
2899 for which the event permit is issued is subject to the same requirement or prohibition.
- 2900 (3) An event permittee shall display a copy of the event permit in a prominent place in the
2901 area in which an alcoholic product is sold, offered for sale, furnished, and consumed.
- 2902 (4) An event permittee may not on the premises of the event:
- 2903 (a) engage in or allow any form of gambling, as defined in Section 76-9-1401, or fringe

- 2904 gambling, as defined in Section 76-9-1401;
- 2905 (b) have any fringe gaming device, video gaming device, or gambling device or record
2906 as defined in Section 76-9-1401; or
- 2907 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
2908 the risking of something of value for a return or for an outcome when the return or
2909 outcome is based upon an element of chance, excluding the playing of an amusement
2910 device that confers only an immediate and unrecorded right of replay not
2911 exchangeable for value.
- 2912 (5) An event permittee may not knowingly allow a person at an event to, in violation of
2913 Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37a, Utah
2914 Drug Paraphernalia Act:
- 2915 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
2916 or
- 2917 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in
2918 Section 58-37a-3.
- 2919 (6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases
2920 from:
- 2921 (a) a beer wholesaler licensee;
2922 (b) a beer retailer; or
2923 (c) a small brewer.
- 2924 (7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption
2925 of an alcoholic product purchased for an event in a location other than that described in
2926 the application and designated on the event permit unless the event permittee first
2927 applies for and receives approval from the director~~[- with the approval of the~~
2928 ~~Compliance, Licensing, and Enforcement Subcommittee,]~~ for a change of location.
- 2929 (8)(a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish
2930 beer for on-premise consumption:
- 2931 (i) in an open original container; and
2932 (ii) in a container on draft.
- 2933 (b) An event permittee may not sell, offer for sale, or furnish beer sold ~~[pursuant to]~~ in
2934 accordance with Subsection (8)(a):
- 2935 (i) in a size of container that exceeds two liters; or
2936 (ii) to an individual patron in a size of container that exceeds one liter.
- 2937 (9)(a) An event permittee may not sell or offer for sale an alcoholic product at less than

- 2938 the cost of the alcoholic product to the event permittee.
- 2939 (b) An event permittee may not sell an alcoholic product at a discount price on any date
2940 or at any time.
- 2941 (c) An event permittee may not sell or offer for sale an alcoholic product at a price that
2942 encourages overconsumption or intoxication.
- 2943 (d) An event permittee may not sell or offer for sale an alcoholic product at a special or
2944 reduced price for only certain hours of the day of an event.
- 2945 (e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic
2946 product at the price of a single alcoholic product.
- 2947 (f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic
2948 product under an event permit, may not sell, offer for sale, or furnish an indefinite or
2949 unlimited number of alcoholic products during a set period for a fixed price, unless:
- 2950 (i) the alcoholic product is served to a patron at a seated event;
- 2951 (ii) food is available whenever the alcoholic product is sold, offered for sale, or
2952 furnished; and
- 2953 (iii) no person advertises that at the event a person may be sold or furnished an
2954 indefinite or unlimited number of alcoholic products during a set period for a
2955 fixed price.
- 2956 (g) An event permittee may not engage in a public promotion involving or offering a
2957 free alcoholic product to the general public.
- 2958 (10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:
- 2959 (a) a minor;
- 2960 (b) a person actually, apparently, or obviously intoxicated;
- 2961 (c) a known interdicted person; or
- 2962 (d) a known habitual drunkard.
- 2963 (11)(a) An alcoholic product is considered under the control of the event permittee
2964 during an event.
- 2965 (b) A patron at an event may not bring an alcoholic product onto the premises of the
2966 event.
- 2967 (12) An event permittee may not permit a patron to carry from the premises an open
2968 container that:
- 2969 (a) is used primarily for drinking purposes; and
- 2970 (b) contains an alcoholic product.
- 2971 (13)(a) A person involved in the storage, sale, or furnishing of an alcoholic product at an

- 2972 event is considered under the supervision and direction of the event permittee.
- 2973 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at
2974 an event may not, while on duty:
- 2975 (i) consume an alcoholic product; or
2976 (ii) be intoxicated.
- 2977 (14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.
- 2978 (15) The location specified in an event permit may not be changed without prior written
2979 approval of the commission.
- 2980 (16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in
2981 any way to dispose of the event permit to another person whether for monetary gain or
2982 not.
- 2983 (17)(a) An event permittee may not sell, offer for sale, furnish, or allow the consumption
2984 of an alcoholic product during a period that:
- 2985 (i) begins at 1 a.m.; and
2986 (ii) ends at 9:59 a.m.
- 2987 (b) This Subsection (17) does not preclude a local authority from being more restrictive
2988 with respect to the hours of sale, offer for sale, furnishing, or consumption of an
2989 alcoholic product at an event.
- 2990 (18) A patron may have no more than one alcoholic product of any kind at a time before the
2991 patron.
- 2992 (19)(a) An event permittee shall display, in a prominent place, a sign in large letters that
2993 consists of text in the following order:
- 2994 (i) a header that reads: "WARNING";
2995 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
2996 can cause birth defects and permanent brain damage for the child.";
2997 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and
2998 Human Services at [insert most current toll-free number] with questions or for
2999 more information.";
- 3000 (iv) a header that reads: "WARNING"; and
3001 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
3002 a serious crime that is prosecuted aggressively in Utah."
- 3003 (b)(i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different
3004 font style than the text described in Subsections (19)(a)(iv) and (v).
3005 (ii) The warning statements in the sign described in Subsection (19)(a) shall be in the

3006 same font size.

3007 (c) The Department of Health and Human Services shall work with the commission and
3008 department to facilitate consistency in the format of a sign required under this section.

3009 Section 34. Section **32B-9-305** is amended to read:

3010 **32B-9-305 (Effective upon governor's approval). Specific operational**
3011 **requirements for single event permit.**

3012 (1)(a) In addition to complying with Section 32B-9-204, a single event permittee or a
3013 person involved in the storage, sale, offer for sale, or furnishing of an alcoholic
3014 product at the event shall comply with this section.

3015 (b) Failure to comply as provided in Subsection (1)(a):

3016 (i) may result in:

3017 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and
3018 Enforcement Act, against:

3019 (I) a single event permittee;

3020 (II) a person involved in the storage, sale, offer for sale, or furnishing of an
3021 alcoholic product at the event; or

3022 (III) any combination of persons listed in this Subsection (1)(b);

3023 (B) immediate revocation of the single event permit;

3024 (C) forfeiture of a bond; or

3025 (D) immediate seizure of an alcoholic product present at the event; and

3026 (ii) if the single event permit is revoked, disqualifies the single event permittee from
3027 applying for a single event permit or temporary beer event permit for a period of
3028 three years from the date of revocation of the single event permit.

3029 (c) An alcoholic product seized under this Subsection (1) shall be returned to the single
3030 event permittee after an event if forfeiture proceedings are not instituted under
3031 Section 32B-4-206.

3032 (2)(a) A single event permittee shall make and maintain an expense and revenue ledger
3033 or record showing:

3034 (i) expenditures made for:

3035 (A) liquor;

3036 (B) beer;

3037 (C) set-ups; and

3038 (D) an ingredient or component of an alcoholic product other than a set-up; and

3039 (ii) the revenue from the sale of an alcoholic product.

- 3040 (b) Section 32B-1-205 applies to a record required to be made or maintained in
3041 accordance with this Subsection (2).
- 3042 (3) A single event permittee shall purchase liquor stored, sold, offered for sale, furnished,
3043 or consumed at an event from a state store or package agency.
- 3044 (4)(a) A single event permittee may not sell, offer for sale, or furnish a primary
3045 spirituous liquor in a quantity that exceeds 1.5 ounces per beverage, except that
3046 additional spirituous liquor may be used in a beverage if:
- 3047 (i) used as a secondary flavoring ingredient;
 - 3048 (ii) used in conjunction with the primary spirituous liquor;
 - 3049 (iii) the secondary ingredient is not the only spirituous liquor in the beverage; and
 - 3050 (iv) subject to Subsection 32B-9-204(18):
 - 3051 (A) a patron has no more than 2.5 ounces of spirituous liquor at a time before the
3052 patron; and
 - 3053 (B) a patron has no more than one spirituous liquor drink at a time before the
3054 patron.
- 3055 (b) Spirituous liquor need not be dispensed through a calibrated metered dispensing
3056 system.
- 3057 (5)(a) A single event permittee may sell, offer for sale, or furnish wine by the glass or an
3058 individual portion, except that a glass or individual portion may not exceed five
3059 ounces.
- 3060 (b) A single event permittee may furnish an individual portion served to a patron in
3061 more than one glass if the total amount of wine does not exceed five ounces.
- 3062 (c) An individual portion of wine is considered to be one alcoholic product under
3063 Subsection 32B-9-204(18).
- 3064 (d) [A] Except as provided in Subsection (10), a single event permittee may sell, offer
3065 for sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the
3066 commission.
- 3067 (6) [A] Except as provided in Subsection (10), a single event permittee may sell, offer for
3068 sale, or furnish heavy beer in an original container at a price fixed by the commission,
3069 except that the original container may not exceed one liter.
- 3070 (7) [A] Except as provided in Subsection (10), a single event permittee may sell, offer for
3071 sale, or furnish a flavored malt beverage in an original container at a price fixed by the
3072 commission, except that the original container may not exceed one liter.
- 3073 (8) [A] Except as provided in Subsection (10), a single event permittee may sell liquor only

3074 at a price fixed by the commission.

3075 (9) A single event permittee may perform a service and assess a service charge as
3076 authorized by commission rule for liquor purchased at an event.

3077 (10) This section does not prohibit a single event permittee from rounding the price of
3078 liquor in accordance with Section 32B-2-213.

3079 Section 35. Section **63I-5-201** is amended to read:

3080 **63I-5-201 (Effective 05/06/26). Internal auditing programs -- State agencies.**

3081 (1)(a) The departments of Government Operations, Agriculture, Alcoholic Beverage
3082 Services, Commerce, Cultural and Community Engagement, Corrections, Workforce
3083 Services, Environmental Quality, Health[;] and Human Services, Natural Resources,
3084 Public Safety, and Transportation, and the State Tax Commission shall conduct
3085 various types of auditing procedures as determined by the agency head or governor.

3086 (b) The governor may, by executive order, require a state agency not described in
3087 Subsection (1)(a) to establish an internal audit program.

3088 (c) The governor shall ensure that each state agency that reports to the governor has
3089 adequate internal audit coverage.

3090 (2)(a) The Administrative Office of the Courts shall establish an internal audit program
3091 under the direction of the Judicial Council, including auditing procedures for courts
3092 not of record.

3093 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
3094 internal audit program.

3095 (3)(a) Utah Tech University, the University of Utah, Utah State University, Salt Lake
3096 Community College, Southern Utah University, Utah Valley University, Weber State
3097 University, and Snow College shall establish an internal audit program under the
3098 direction of the Utah Board of Higher Education.

3099 (b) The Utah Board of Higher Education may issue policies requiring other higher
3100 education entities or programs to establish an internal audit program.

3101 (4) The State Board of Education shall establish an internal audit program that provides
3102 internal audit services for each program administered by the State Board of Education.

3103 ~~[(5) Subject to Section 32B-2-302.5, the internal audit division of the Department of~~
3104 ~~Alcoholic Beverage Services shall establish an internal audit program under the~~
3105 ~~direction of the Alcoholic Beverage Services Commission.]~~

3106 Section 36. **Effective Date.**

3107 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

- 3108 (2)(a) The actions affecting sections described in Subsection (2)(b) take effect:
3109 (i) except as provided in Subsection (2)(a)(ii), May 6, 2026; or
3110 (ii) if approved by two-thirds of all members elected to each house:
3111 (A) upon approval by the governor;
3112 (B) without the governor's signature, the day following the constitutional time
3113 limit of Utah Constitution, Article VII, Section 8; or
3114 (C) in the case of a veto, the date of veto override.
- 3115 (b) Subsection (2)(a) applies to the actions affecting the following sections:
3116 (i) Section 32B-1-407 (Effective upon governor's approval);
3117 (ii) Section 32B-2-202 (Effective upon governor's approval);
3118 (iii) Section 32B-2-213 (Effective upon governor's approval);
3119 (iv) Section 32B-2-304 (Effective upon governor's approval);
3120 (v) Section 32B-2-503 (Effective upon governor's approval);
3121 (vi) Section 32B-2-605 (Effective upon governor's approval);
3122 (vii) Section 32B-5-304 (Effective upon governor's approval);
3123 (viii) Section 32B-5-305 (Effective upon governor's approval); and
3124 (ix) Section 32B-9-305 (Effective upon governor's approval).