

1 **ALCOHOL LICENSEE VIDEO RECORDING REQUIREMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Judy Weeks Rohner**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill requires certain licensees under the Alcoholic Beverage Control Act to make
10 and retain video surveillance.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ for a retail license issued under the Alcoholic Beverage Control Act on or after July
14 1, 2024, requires licensees to:

- 15 • make video surveillance of the retail licensee's premises;
- 16 • retain the video surveillance footage for 30 days; and
- 17 • ensure staff trained to access the video surveillance is on the premises during

18 hours of operation; and

19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **32B-5-302**, as last amended by Laws of Utah 2023, Chapter 400

27 **32B-6-605**, as last amended by Laws of Utah 2023, Chapters 371, 400



28 **32B-6-706**, as last amended by Laws of Utah 2023, Chapter 400



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

31 Section 1. Section **32B-5-302** is amended to read:

32 **32B-5-302. Recordkeeping -- Retention.**

33 (1) (a) A retail licensee shall make and maintain a record showing in detail:

34 (i) quarterly expenditures made separately for:

35 (A) malt or brewed beverages;

36 (B) liquor;

37 (C) set-ups;

38 (D) food; and

39 (E) any other item required by the department; and

40 (ii) sales made separately for:

41 (A) malt or brewed beverages;

42 (B) set-ups;

43 (C) food; and

44 (D) any other item required by the department.

45 (b) A retail licensee shall make and maintain a record required by Subsection (1)(a):

46 (i) in a form approved by the department; and

47 (ii) current for each three-month period.

48 (c) A retail licensee shall support an expenditure by:

49 (i) a delivery ticket;

50 (ii) an invoice;

51 (iii) a receipted bill;

52 (iv) a canceled check;

53 (v) a petty cash voucher; or

54 (vi) other sustaining datum or memorandum.

55 (d) In addition to a record required under Subsection (1)(a), a retail licensee shall make

56 and maintain any other record the department may require.

57 (2) For a retail license that is issued as an original license on or after July 1, 2024, a

58 retail licensee shall:

59 (a) provide video surveillance of the retail licensee's premises used for the sale,
60 furnishing, or consumption of an alcoholic product during hours of operation;

61 (b) retain the video surveillance footage for 30 days after the day on which the video
62 surveillance is made; and

63 (c) ensure that staff who are trained to access the video surveillance footage are on the
64 retail licensee's premises during hours of operation.

65 [~~2~~] (3) After receiving written notice of an official proceeding or investigation under
66 Chapter 15, Alcoholic Product Liability Act, or a criminal proceeding or investigation for a
67 violation of Section 41-6a-502 or 41-6a-517, a retail licensee shall retain a record that is
68 relevant to the proceeding or investigation, including any video surveillance, for a period of at
69 least two years after the day on which the notice is received.

70 [~~3~~] (4) (a) A record of a retail licensee is subject to inspection by an authorized
71 representative of the commission or the department.

72 (b) A retail licensee shall allow the department, through an auditor or examiner of the
73 department, to audit the records of the retail licensee at times the department considers
74 advisable.

75 [~~4~~] (5) Sections 32B-1-205 and 32B-4-505 apply to a record required to be made or
76 maintained in accordance with this section.

77 Section 2. Section 32B-6-605 is amended to read:

78 **32B-6-605. Specific operational requirements for on-premise banquet license.**

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

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

84 (i) an on-premise banquet licensee;

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

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

87 (2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and
88 (5) for the entire premises of the hotel, resort facility, sports center, convention center,

89 performing arts facility, arena, or restaurant venue that is the basis for the on-premise banquet

90 license.

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

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

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

96 (ii) a law enforcement officer.

97 (4) (a) An on-premise banquet licensee is not subject to Subsection [32B-5-302\(1\)](#), but
98 shall make and maintain the records described in Subsection [~~[32B-5-302\(2\)](#)~~] [32B-5-302\(3\)](#) and
99 the records the commission or department requires.

100 (b) Section [32B-1-205](#) applies to a record required to be made or maintained in
101 accordance with this Subsection (4).

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

105 (b) Except as provided in Subsection [32B-5-307\(4\)](#), a host of a banquet, a patron, or a
106 person other than the on-premise banquet licensee or staff of the on-premise banquet licensee,
107 may not remove an alcoholic product from the premises of the banquet.

108 (c) Notwithstanding Subsections [32B-5-307\(3\)](#) and (5) and except as provided in
109 Subsection [32B-5-307\(4\)](#), a patron at a banquet may not bring an alcoholic product into or
110 onto, or remove an alcoholic product from, the premises of a banquet.

111 (6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at
112 the banquet following the conclusion of the banquet.

113 (b) At the conclusion of a banquet, an on-premise banquet licensee shall:

114 (i) destroy an opened and unused alcoholic product that is not saleable, under
115 conditions established by the department; and

116 (ii) return to the on-premise banquet licensee's approved locked storage area any:

117 (A) opened and unused alcoholic product that is saleable; and

118 (B) unopened container of an alcoholic product.

119 (c) Except as provided in Subsection (6)(b) with regard to an open or sealed container
120 of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

121 (i) shall store the alcoholic product in the on-premise banquet licensee's approved
122 locked storage area; and

123 (ii) may use the alcoholic product at more than one banquet.

124 (7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not
125 employ a minor to sell, furnish, or dispense an alcoholic product in connection with the
126 on-premise banquet licensee's banquet and room service activities.

127 (8) An on-premise banquet licensee:

128 (a) may provide room service in portions described in Section 32B-5-304;

129 (b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in
130 connection with room service any day during a period that:

131 (i) begins at 1 a.m.; and

132 (ii) ends at 9:59 a.m.; and

133 (c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic
134 product free of charge per guest reservation, per guest room, if the alcoholic product:

135 (i) is not a spirituous liquor; and

136 (ii) is in an unopened container not to exceed 750 milliliters.

137 (9) (a) Subject to the other provisions of this Subsection (9), a patron may not have
138 more than two alcoholic products of any kind at a time before the patron.

139 (b) A patron may not have more than one spirituous liquor drink at a time before the
140 patron.

141 (c) An individual portion of wine is considered to be one alcoholic product under
142 Subsection (9)(a).

143 (10) (a) An on-premise banquet licensee shall supervise and direct a person involved in
144 the sale, offer for sale, or furnishing of an alcoholic product.

145 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product
146 shall complete an alcohol training and education seminar.

147 (11) A staff person of an on-premise banquet licensee shall remain at the banquet at all
148 times when an alcoholic product is sold, offered for sale, furnished, or consumed at the
149 banquet.

150 (12) (a) Room service of an alcoholic product to a guest room or privately owned
151 dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise

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

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

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

156 Section 3. Section **32B-6-706** is amended to read:

157 **32B-6-706. Specific operational requirements for on-premise beer retailer license.**

158 (1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational
159 Requirements, an on-premise beer retailer and staff of the on-premise beer retailer shall comply
160 with this section.

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

163 (i) an on-premise beer retailer;

164 (ii) individual staff of an on-premise beer retailer; or

165 (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.

166 (2) (a) An on-premise beer retailer is not subject to Subsection [32B-5-302\(1\)](#), but shall
167 make and maintain the records described in Subsection [~~[32B-5-302\(2\)](#)~~] [32B-5-302\(3\)](#) and the
168 records the department requires.

169 (b) Section [32B-1-205](#) applies to a record required to be made or maintained in
170 accordance with this Subsection (2).

171 (3) Notwithstanding Section [32B-5-303](#), an on-premise beer retailer may not store or
172 sell liquor on its licensed premises.

173 (4) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at the
174 on-premise beer retailer's licensed premises during a period that:

175 (i) begins at 1 a.m.; and

176 (ii) ends at 9:59 a.m.

177 (b) (i) Notwithstanding Subsection (4)(a), a tavern shall remain open for one hour after
178 the tavern ceases the sale and furnishing of beer during which time a patron of the tavern may
179 finish consuming a single serving of beer not exceeding 26 ounces.

180 (ii) A tavern is not required to remain open:

181 (A) after all patrons have vacated the premises; or

182 (B) during an emergency.

183 (5) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a
184 tavern.

185 (6) (a) (i) An on-premise beer retailer may not purchase, acquire, possess for the
186 purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases
187 from:

188 (A) a beer wholesaler licensee; or

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

190 (ii) Violation of Subsection (6)(a)(i) is a class A misdemeanor.

191 (b) (i) If an on-premise beer retailer purchases beer under this Subsection (6) from a
192 beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer
193 wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area
194 in which the on-premise beer retailer is located, unless an alternate wholesaler is authorized by
195 the department to sell to the on-premise beer retailer as provided in Section 32B-13-301.

196 (ii) Violation of Subsection (6)(b)(i) is a class B misdemeanor.

197 (7) A tavern shall comply with Section 32B-1-407.

198 **Section 4. Effective date.**

199 This bill takes effect on May 1, 2024.