

**S.B. 2002**  
**ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS**

Senator **John L. Valentine** proposes the following amendments:

1. Page 2, Line 28:

28           ▶           ~~{-modifies dates related to-}~~    addresses   grandfathering and beer only restaurants; and

2. Page 38, Line 1171 through Page 39, Line 1178:

1171           (iii) (A) A person licensed as an on-premise beer retailer that is not a tavern as of July  
1172   1, 2011 shall notify the department by no later than August 1, 2011, whether effective March 1,  
1173   2012, the person will seek to be licensed as a beer-only restaurant licensee, a tavern, or an  
1174   on-premise beer retailer that meets the requirements of Subsection (2)(e)(i).

1175           (B) If an on-premise beer retailer fails to notify the department as required by  
1176   Subsection (2)(e)~~[(†)]~~(iii)(A), the on-premise beer retailer's license expires as of February 29,  
1177   2012, and to operate as an on-premise beer retailer after February 29, 2012, the on-premise  
1178   beer retailer is required to apply as a new licensee ~~{-}~~ , and any bar or bar structure on the premises of  
an on-premise beer retailer license that is not a tavern and does not meet the requirements of Subsection  
(2)(e)(i) will not be grandfathered under Subsection 32B-6-902(1).  
(iv) A person who, after August 1, 2011, applies for an on-premise beer retailer license that is not a  
tavern and does not meet the requirements of Subsection (2)(e)(i), may not have or construct facilities for  
the dispensing or storage of an alcoholic product that do not meet the requirements of Subsection  
32B-6-905(12)(a)(ii).

3. Page 42, Lines 1272 through 1287:

1272           (1) (a) As used in this part, "grandfathered bar structure" means a bar structure in a  
1273   licensed premises of a beer-only restaurant licensee that:

1274           (i) was licensed as an on-premise beer retailer as of ~~{-January 1, 2011-}~~ August 1, 2011,  
and as of August 1, 2011 :

1275           (A) is operational; ~~{-and-}~~

1276           (B) has facilities for the dispensing or storage of an alcoholic product that do not meet  
1277   the requirements of Subsection 32B-6-905(12)(a)(ii); and

(C) in accordance with Subsection 32B-6-703(2)(e), notifies the department that effective March 1, 2012,  
the on-premise beer retailer licensee will seek to be licensed as a beer-only restaurant; or

1278           ~~{- (ii) is not operational as of January 1, 2011, if a person applying for the beer-only~~  
1279   restaurant license:

1280           ~~— (A) has as of January 1, 2011, a building permit to construct the restaurant;~~

1281 ~~—— (B) is as of January 1, 2011, actively engaged in the construction of the restaurant, as~~  
1282 ~~defined by rule made by the commission;~~  
1283 ~~—— (C) is issued the beer-only restaurant license by no later than [December 31, 2011]~~  
1284 ~~May 1, 2012; and~~  
1285 ~~—— (D) once constructed, will have a bar structure that does not meet the requirements of~~  
1286 ~~Subsection 32B-6-905(12)(a)(ii); or }~~  
1287 {~~(iii)~~} (ii) is a bar structure grandfathered under Section 32B-6-409.