

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 4, 2018
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

SB18-243 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill page 8, line 9, after "**acts.**" insert "(1)".
- 2 Page 8, strike lines 13 through 22 and substitute "for off-premises
3 consumption. During the normal course of such employment, any person
4 under ~~eighteen~~ TWENTY-ONE years of age may handle and otherwise act
5 with respect to fermented malt beverages in the same manner as that
6 person does with other items sold at retail; except that: ~~no~~
7 (a) A person under eighteen years of age shall NOT sell or dispense
8 fermented malt beverages, check age identification, or make deliveries
9 beyond the customary parking area for the customers of the retail outlet;
10 AND
11 (b) A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE SHALL
12 NOT DELIVER FERMENTED MALT BEVERAGES IN SEALED CONTAINERS TO
13 CUSTOMERS UNDER SECTION 12-46-107 (6).
14 (2) This".
- 15 Page 10, line 5, strike "OR TO RENEW A LICENSE".
- 16 Page 10, line 6, strike "JANUARY 1, 2019," and substitute "THE EFFECTIVE
17 DATE OF THIS SUBSECTION (3) OR TO RENEW A LICENSE THAT WAS ISSUED
18 UNDER SUBSECTION (1)(a) OF THIS SECTION ON OR AFTER THE EFFECTIVE
19 DATE OF THIS SUBSECTION (3),".
- 20 Page 10, after line 21 insert:

1 "(d) THIS SUBSECTION (3) DOES NOT APPLY TO A PERSON THAT
2 OWNS OR LEASES A PROPOSED FERMENTED MALT BEVERAGE RETAILER
3 LICENSED PREMISES AND HAS APPLIED FOR OR RECEIVED FROM THE
4 MUNICIPALITY, CITY AND COUNTY, OR COUNTY IN WHICH THE PREMISES
5 ARE LOCATED:

6 (I) A BUILDING PERMIT FOR THE STRUCTURE TO BE USED FOR THE
7 FERMENTED MALT BEVERAGE RETAILER LICENSED PREMISES, WHICH
8 PERMIT IS CURRENTLY ACTIVE AND WILL NOT EXPIRE BEFORE THE
9 COMPLETION OF THE LIQUOR LICENSING PROCESS; OR

10 (II) A CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE TO BE
11 USED FOR THE FERMENTED MALT BEVERAGE RETAILER LICENSED
12 PREMISES."

13 Reletter succeeding paragraph accordingly.

14 Page 16, line 7, strike "SUPPLYING" and substitute "PROMOTING".

15 Page 17, line 7, strike "SUPPLIED" and substitute "PROMOTED".

16 Page 18, line 2, after "(a.5)" insert "(I)".

17 Page 18, strike lines 9 through 18 and substitute "LOCATED WITHIN FIVE
18 HUNDRED FEET OF A RETAIL LIQUOR STORE LICENSED UNDER SECTION
19 12-47-407.

20 (II) THIS SUBSECTION (12)(a.5) DOES NOT APPLY TO A PERSON
21 THAT OWNS OR LEASES A PROPOSED FERMENTED MALT BEVERAGE
22 RETAILER LICENSED PREMISES AND HAS APPLIED FOR OR RECEIVED FROM
23 THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY IN WHICH THE
24 PREMISES ARE LOCATED:

25 (A) A BUILDING PERMIT FOR THE STRUCTURE TO BE USED FOR THE
26 FERMENTED MALT BEVERAGE RETAILER LICENSED PREMISES, WHICH
27 PERMIT IS CURRENTLY ACTIVE AND WILL NOT EXPIRE BEFORE THE
28 COMPLETION OF THE LIQUOR LICENSING PROCESS; OR

29 (B) A CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE TO BE
30 USED FOR THE FERMENTED MALT BEVERAGE RETAILER LICENSED
31 PREMISES."

32 Page 30, lines 10 and 11, strike "AFTER JULY" and substitute "BEFORE
33 OCTOBER".

34 Page 30, line 15, strike "ONE" and substitute "FOUR" and strike "LICENSE,"

- 1 and substitute "LICENSES,".
- 2 Page 30, line 16, strike "TWO" and substitute "FIVE".
- 3 Page 30, line 18, strike "TWO" and substitute "SEVEN".
- 4 Page 30, line 19, strike "THREE" and substitute "EIGHT".
- 5 Page 30, line 20, strike "AND".
- 6 Page 30, line 21, after "2027," insert "AND BEFORE JANUARY 1, 2032," and
7 strike "THREE" and substitute "TWELVE".
- 8 Page 30, line 22, strike "FOUR" and substitute "THIRTEEN".
- 9 Page 30, line 23, strike "LICENSES." and substitute "LICENSES;
10 (D) ON OR AFTER JANUARY 1, 2032, AND BEFORE JANUARY 1,
11 2037, UP TO NINETEEN ADDITIONAL LIQUOR-LICENSED DRUGSTORE
12 LICENSES, FOR A MAXIMUM OF TWENTY TOTAL LIQUOR-LICENSED
13 DRUGSTORE LICENSES; AND
14 (E) ON OR AFTER JANUARY 1, 2037, AN UNLIMITED NUMBER OF
15 ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSES.".
- 16 Page 31, strike lines 18 through 27.
- 17 Page 32, strike lines 1 and 2 and substitute:
- 18 **"12-47-601. Suspension - revocation - fines. (7.5) (c) WHEN**
19 **IMPOSING A SUSPENSION OR FINE FOR A VIOLATION OF SECTION 12-47-901**
20 **(5)(a)(I), THE LICENSING AUTHORITY SHALL NOT TAKE INTO".**
- 21 Page 32, line 3, strike "(1)(a.5) OR".
- 22 Page 32, line 9, strike "(5)(p)(II), (5)(p)(III)" and substitute "(5)(p)(I)(B),
23 (5)(p)(II)" and after "(1)(h)(VII)" insert "and (5)(p)(IV)".
- 24 Page 33, line 22, strike "PLACE" and substitute "PLACE, OTHER THAN A
25 PUBLIC RIGHT OF WAY,".
- 26 Page 33, line 25, strike "STATE OR LOCAL GOVERNMENT ENTITY." and
27 substitute "MUNICIPALITY, CITY AND COUNTY, OR COUNTY OR, FOR

1 PURPOSES OF STATE PARKS, STATE WILDLIFE AREAS, OR OTHER PROPERTIES
2 OPEN TO RECREATION THAT ARE UNDER THE SUPERVISION OF THE PARKS
3 AND WILDLIFE COMMISSION CREATED IN ARTICLE 9 OF TITLE 33, BY THE
4 PARKS AND WILDLIFE COMMISSION."

5 Page 35, after line 20 insert:

6 "(p) (I) (B) Except as provided in ~~subparagraph (H) of this~~
7 ~~paragraph (p)~~ SUBSECTION (5)(p)(II) OF THIS SECTION, to employ a person
8 who is at least eighteen years of age but under twenty-one years of age to
9 sell or dispense malt, vinous, or spirituous liquors OR FERMENTED MALT
10 BEVERAGES unless the employee is supervised by another person who is
11 on the licensed premises and is at least twenty-one years of age;"

12 Page 35, line 21, strike "(p)".

13 Page 36, line 1, strike "or" and substitute "or".

14 Page 36, strike lines 2 through 9 and substitute:

15 "(IV) IF LICENSED AS A FERMENTED MALT BEVERAGE RETAILER
16 UNDER SECTION 12-46-107 (1)(a), TO PERMIT AN EMPLOYEE WHO IS UNDER
17 TWENTY-ONE YEARS OF AGE TO DELIVER FERMENTED MALT BEVERAGES
18 OFFERED FOR SALE ON, OR SOLD AND REMOVED FROM, THE LICENSED
19 PREMISES OF THE FERMENTED MALT BEVERAGE RETAILER."

20 Page 38, line 19, strike "(3)".

21 Page 38, line 21, after "12-47-408" insert "(2)(a)(II), (2)(a)(III), and".

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