

R82. Alcoholic Beverage Control, Administration.

R82-1. General.

R82-1-101. Scope and Effective Date.

These rules are adopted pursuant to section 32B-2-202 and shall be interpreted so as to be consistent with the Alcoholic Beverage Control Act. These rules shall govern the Department and all licensees and permittees of the Commission.

R82-1-102. Definitions.

Definitions of terms in the Act are used in these rules, except where the context of the terms in these rules clearly indicates a different meaning.

(1) "Act" means the Alcoholic Beverage Control Act, Title 32B.

(2) "Commission" means the Utah Alcoholic Beverage Control Commission.

~~(2)~~(3) "Controlled Group of Breweries" means a group of incorporated or non-incorporated breweries that have common ownership interests, including individuals, partnerships, corporations, and LLCs. A brewery is considered to be part of a controlled group if more than 50 percent of the brewery is owned either by, or in common with, another brewery or breweries.

~~(3)~~(4) "Department " or "DABC" means the Utah Department of Alcoholic Beverage Control.

~~(4)~~(5) "Director" means the director of the Department of Alcoholic Beverage Control.

~~(5)~~(6) "Dispensing System" means a dispensing system or device which dispenses liquor in controlled quantities not exceeding 1.5 ounces and

has a meter which counts the number of pours served.

~~(6)~~(7) "Guest Room" means a space normally utilized by a natural person for occupancy, usually a traveler who lodges at an inn, hotel or resort.

~~(7)~~(8) "Manager" means, depending on the context, a:

(a) a person chosen or appointed to manage, direct, or administer the affairs of another person, corporation, or company;

(b) an individual chosen or appointed to direct, supervise, or administer the operations at a licensed business; or

(c) an individual who supervises the furnishing of an alcoholic product to another, regardless of the exact employment title that the person

holds.

~~(8)~~(9) "Point of Sale" means that portion of a package agency, restaurant, limited restaurant, beer-only restaurant, airport lounge, on-premise

banquet premises, reception center, recreational amenity on-premise beer retailer, tavern, single event permitted area, temporary special event beer permitted area, or public service special use permitted area that has been designated by the Department as an alcoholic beverage selling area. It also means that portion of an establishment that sells beer for off-premise consumption where the beer is displayed or offered for sale.

~~(9)~~(10) "Respondent" means a Department licensee, or permittee, or employee or agent of a licensee or permittee, or other entity against whom a letter of admonishment or notice of agency action is directed.

~~(10)~~(11) "section" or "subsection" refers to sections and subsections of the Utah Code.

~~(11)~~(12) "Staff" or "authorized staff member" means a person duly authorized by the director of the Department to perform a particular act.

~~(12)~~(13) "subpart" refers to subparagraphs of this rule.

~~(13)~~(14) "Utah Alcoholic Beverage Control Laws" means any Utah statutes, Commission rules and municipal and county ordinances relating to the manufacture, possession, transportation, distribution, sale, supply, wholesale, warehousing, and furnishing of alcoholic beverages.

~~(14)~~(15) "Warning Sign" means a sign no smaller than 8.5 inches high by 11 inches wide, clearly readable, stating: "Warning: drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child. Call the Utah Department of Health at (insert most current toll-free number) with questions or for more information" and "Warning: Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah." The two warning messages shall be in the same font size but different font styles that are no smaller than 36 point bold. The font size for the health Department contact information shall be no smaller than 20 point bold.