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| **Notice of Proposed Rule** |
| **TYPE OF RULE:** Amendment |
| **Rule or Section Number:** | **R82-6-701** | **Filing ID: 54848** |

**Agency Information**

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| **1. Department:** | Alcoholic Beverage Services |
| **Agency:** | Administration |
| **Street address:** | 1625 S 900 W |
| **City, state and zip:** | Salt Lake City, UT 84104 |
| **Mailing address:** | PO Box 30408 |
| **City, state and zip:** | Salt Lake City, UT 84130-0408 |
| **Contact persons:** |
| **Name:** | **Phone:** | **Email:** |
| Vickie Ashby | 801-977-6801 | vickieashby@utah.gov |
| Angela Micklos | 801-977-6800 | afmicklos@utah.gov |
| **Please address questions regarding information on this notice to the agency.** |

**General Information**

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| **2. Rule or section catchline:** |
| R82-6-701. On Premise Beer Retailer – Reserved |
| **3. Purpose of the new rule or reason for the change** (Why is the agency submitting this filing?)**:** |
| Section 32B-6-702 grants the commission rulemaking authority to define "commission approved activity" related to an on-premise beer retailer license that is not a tavern. The statute clearly states that the activity may not involve the use of a dangerous weapon. The proposed section adds a variety of recreational activities for which the commission may grant a "Beer Rec" license. |
| **4. Summary of the new rule or change** (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule)**:** |
| This amendment will define "commission approved activity" related to an on-premise beer retailer license that is not a tavern. The proposed section adds a variety of recreational activities for which the commission may grant a "Beer Rec" license. |

**Fiscal Information**

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| **5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:** |
| **A) State budget:** |
| None--This amendment does not create additional cost or savings to the state budget as the amendment only provides a definition of a commission approved activity. |
| **B) Local governments:** |
| None-- This amendment does not create additional cost or savings to local governments as the amendment only provides a definition of a commission approved activity. |
| **C) Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| None--This amendment does not create additional cost or savings for small businesses as the amendment only provides a definition of a commission approved activity. |
| **D) Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| None-- This amendment does not create additional cost or savings for non-small businesses as the amendment only provides a definition of a commission approved activity. |
| **E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| None--This amendment does not create additional cost or savings to persons other than small businesses, non-small businesses, state or local government entities as the amendment only provides a definition of a commission approved activity. |
| **F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?)**:** |
| There are no fees associated with this process. This amendment does not create additional costs. It only provides a definition of a commission approved activity. |
| **G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) |
| **Regulatory Impact Table** |
| **Fiscal Cost** | **FY2023** | **FY2024** | **FY2025** |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Cost** | **$0** | **$0** | **$0** |
| **Fiscal Benefits** | **FY2023** | **FY2024** | **FY2025** |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Benefits** | **$0** | **$0** | **$0** |
| **Net Fiscal Benefits** | **$0** | **$0** | **$0** |
| **H) Department head comments on fiscal impact and approval of regulatory impact analysis:** |
| The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, has reviewed and approved this fiscal analysis. |

**Citation Information**

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| **6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:** |
| Section 32B-6-702 | Section 32B-2-202 |  |

**Public Notice Information**

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| **8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.) |
| **A) Comments will be accepted until:** | 10/17/2022 |

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| **9. This rule change MAY become effective on:** | 10/24/2022 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.  |

**Agency Authorization Information**

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| **Agency head or designee and title:** | Tiffany Clason, Executive Director | **Date:** | 08/24/2022 |

**R82. Alcoholic Beverage [~~Control~~]Services, Administration.**

**R82-6. Specific Retail Provisions.**

**R82-6-701. On-Premise Beer Retailer -- [~~Reserved~~]Commission-Approved Activity.**

[ ~~Reserved.~~]

 (1) This rule is adopted pursuant to Section 32B-6-702, which authorizes the commission to define by rule "commission-approved activity" related to an on-premise beer retailer license that is not a tavern.

 (2) A "commission-approved activity," for which the commission may grant an on-premise beer retailer license that is not a tavern, includes the following leisure activities that do not involve the use of a dangerous weapon:

 (a) A virtual version of any sport or activity enumerated in Subsection 32B-6-702(2)(a);

 (b) A video arcade;

 (c) Trail bike park involving off-road trails;

 (d) Historic and Scenic Railway;

 (e) Recreational climbing facility;

 (f) Pickleball;

 (g) Badminton;

 (h) Bocce ball;

 (i) An activity similar to the foregoing activities or similar to those specifically enumerated in Subsection 32B-6-702(2)(a); and

 (j) Any other activity that the commission deems recreational.

**KEY: alcoholic beverages**

**Date of Last Change: 2022[~~October 27, 2020~~]**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202**

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