

**R82. Alcoholic Beverage Control, Administration.**

**R82-4. Criminal Offenses and Procedure.**

**R82-4-101. Age Verification.**

- (1) Authority. Sections 32B-1-401, 32B-1-404, 32B-1-405, 32B-1-407 and 32B-4-411.
- (2) Purpose.
  - (a) Section 32B-1-407 requires applicable licensees to verify proof of age of persons who appear to be 35 years of age or younger either by an electronic age verification device, or an acceptable alternate process established by Commission rule.
  - (b) This rule:
    - (i) establishes the minimum technology specifications of electronic age verification devices;
    - (ii) establishes the procedures for recording identification that cannot be electronically verified; and
    - (iii) establishes the security measures that must be used by the applicable licensee to ensure that information obtained is used only to verify proof of age and is not disclosed to others except to the extent authorized by Title 32B, Alcoholic Beverage Control Act.
  - (3) Application of Rule.
    - (a) An electronic age verification device:
      - (i) shall contain:
        - (A) the technology of a magnetic stripe card reader;
        - (B) the technology of a two-dimensional ("2d") stack symbology card reader; or
        - (C) an alternate technology capable of electronically verifying the proof of age;
      - (ii) shall be capable of reading:
        - (A) a valid state issued driver's license;
        - (B) a valid state issued identification card;
        - (C) a valid military identification card; and
        - (D) a valid passport;
      - (iii) shall have a screen that displays no more than:
        - (A) the individual's name;
        - (B) the individual's age;
        - (C) the number assigned to the individual's proof of age by the issuing authority;
        - (D) the individual's the birth date;
        - (E) the individual's gender; and
        - (F) the status and expiration date of the individual's proof of age; and
      - (iv) shall have the capability of electronically storing the following information for seven days (168 hours):
        - (A) the individual's name;
        - (B) the individual's date of birth;
        - (C) the individual's age;
        - (D) the expiration date of the proof of age identification card;
        - (E) the individual's gender; and
        - (F) the time and date the proof of age was scanned.
    - (b) An alternative method of verifying an individual's proof of age when proof of age cannot be scanned electronically:
      - (i) shall include a record or log of the information obtained from the individual's proof of age including the following information:
        - (A) the type of proof of age identification document presented;
        - (B) the number assigned to the individual's proof of age document by the issuing authority;
        - (C) the expiration date of the proof of age identification document;
        - (D) the date the proof of age identification document was presented;
        - (E) the individual's name; and
        - (F) the individual's date of birth.
      - (c) Any data collected either electronically or otherwise:
        - (i) may be used by the licensee, and employees or agents of the licensee, solely for the purpose of verifying an individual's proof of age;
        - (ii) may be acquired by law enforcement, or other investigative agencies for any purpose under sections 32B-6-406 - 407;
        - (iii) may not be retained by the licensee in a data base for mailing, advertising, or promotional activity;
        - (iv) may not be retained to acquire personal information to make inappropriate personal contact with the individual; and
        - (v) shall be retained for a period of seven days from the date on which it was acquired, after which it must be deleted.
        - (d) Any person who still questions the age of the individual after being presented with proof of age, shall require the individual to sign a statement of age form as provided under section 32B-1-405.

**KEY: alcoholic beverages**

**Date of Enactment or Last Substantive Amendment: February 25, 2020**

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

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