

R82. Alcoholic Beverage Control, Administration.

R82-7. Off-Premise.

R82-7-101. Separation of Alcoholic Beverages from Non-Alcoholic Beverages and Required Signage.

(1) Authority and General Purpose. This rule is pursuant to section 32B-7-202 that requires:

(a) an off-premise beer retailer to prominently display a sign in each area where beer is sold, an easily readable sign that reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please read the label carefully," and requires the Commission to define by rule the format of the sign.

(2) Application of the Rule.

(a) Sign requirements.

(i) The sign required by section 32B-7-202 shall be:

(A) prominently posted in all areas where beer is sold;

(B) easily readable by the consumer; and

(C) in print that is no smaller than .5 inches, bold type.

(ii) The print on the sign must be clearly readable and on a solid, contrasting background.

(iii) The size of the sign, and the size of the print must be sufficiently large so as to be readable, and clearly and unambiguously convey to a consumer that the beverage products displayed in that area contain alcohol. In no instance may the sign be smaller than 8.5 inches x 3.5 inches.

(iv) Additional signs may be necessary depending on the size and type of display area. For example, an entire aisle devoted to beer products may require more than one sign to adequately inform the consumer.

R82-7-102. Off-Premise Beer Retailer State License and Master Off-Premise Beer Retailer State License.

(1) Authority and General Purpose. This rule is pursuant to subsection 32B-2-202(1)(c) which requires the Commission to set policy by written rules that establishes criteria and for issuing and denying licenses and section 32B-7-408, which authorizes the Commission to make rules establishing how a person may apply for a master off-premise beer retailer state license.

(2) No license application will be included on the agenda of a monthly Commission meeting for consideration for issuance of a license until in accordance with subsection 32B-7-404(2):

(a) The applicant has submitted a complete application to the Department in accordance with sections 32B-7-402 or 32B-7-408; and

(b) the Department has completed an investigation and inspected the proposed licensed premises.

(c) A "complete application" includes the Department's application form and all supplemental materials listed on the Department's application checklist.

(3)(a) All application requirements of subpart (2)(a) of this rule must be filed with the Department no later than the 10th day of the month in order for the application to be included on that month's Commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of subpart (2)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in subpart (3)(a) of this rule will not be considered by the Commission that month, but will be included on the agenda of the Commission meeting the following month.

(4) Subpart (2)(a) of this rule does not preclude the Commission from considering an application for a conditional license under the terms and conditions of section 32B-7-406.

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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