

Utah Code

Title 32B Alcoholic Beverage Control Act

Chapter 1 Alcoholic Beverage Control General Provisions

Part 4 Proof of Age Act

Section 407 Verification of proof of age by applicable licensees. (Effective 5/8/2018)

Affected by 63I-2-232 on 7/1/2022

Effective 5/8/2018

32B-1-407. Verification of proof of age by applicable licensees.

- (1) As used in this section, "applicable licensee" means:**
 - (a) a dining club;**
 - (b) a bar;**
 - (c) a tavern;**
 - (d) a full-service restaurant;**
 - (e) a limited-service restaurant; or**
 - (f) a beer-only restaurant.**
- (2) Notwithstanding any other provision of this part, an applicable licensee shall require that an authorized person for the applicable licensee verify proof of age as provided in this section.**
- (3) An authorized person is required to verify proof of age under this section before an individual who appears to be 35 years of age or younger:**
 - (a) gains admittance to the premises of a bar licensee or tavern;**
 - (b) procures an alcoholic product on the premises of a dining club licensee;**
 - (c) procures an alcoholic product in a dispensing area in the premises of a full-service restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee; or**
 - (d) on or after July 1, 2018, procures an alcoholic product within 10 feet of a grandfathered bar structure.**
- (4) To comply with Subsection (3), an authorized person shall:**
 - (a) request the individual present proof of age; and**

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(b)

(i) verify the validity of the proof of age electronically under the verification program created in Subsection (5); or

(ii) if the proof of age cannot be electronically verified as provided in Subsection (4)(b)(i), request that the individual comply with a process established by the commission by rule.

(5) The commission shall establish by rule an electronic verification program that includes the following:

(a) the specifications for the technology used by the applicable licensee to electronically verify proof of age, including that the technology display to the person described in Subsection (2) no more than the following for the individual who presents the proof of age:

(i) the name;

(ii) the age;

(iii) the number assigned to the individual's proof of age by the issuing authority;

(iv) the birth date;

(v) the gender; and

(vi) the status and expiration date of the individual's proof of age; and

(b) the security measures that shall be used by an applicable licensee to ensure that information obtained under this section is:

(i) used by the applicable licensee only for purposes of verifying proof of age in accordance with this section; and

(ii) retained by the applicable licensee for seven days after the day on which the applicable licensee obtains the information.

(6)

(a) An applicable licensee may not disclose information obtained under this section except as provided under this title.

(b) Information obtained under this section is considered a record for any purpose under Chapter 5, Part 3, Retail Licensee Operational Requirements.

Amended by Chapter 249, 2018 General Session