

INTOXICATING LIQUORS

CHAPTER 43

H. B. No. 41.

(Passed March 14, 1935. In effect March 25, 1935.)

LIQUOR CONTROL ACT

An Act to Provide a System of State Control of the Manufacture, Purchase, Sale, Importation, Exportation, Transportation, and Use of Alcohol and Alcoholic Beverages; to Create a Liquor Control Commission, and to Provide for the Sale of Alcohol and Alcoholic Beverages by Such Commission, to Make an Appropriation Therefor; to Provide Penalties for the Violation of the Provisions of this Act; and Repealing Title 46 of the Revised Statutes of Utah, 1933, Chapter 35 of the Laws of Utah, 1933, and Chapter 10 of the Laws of Utah, 1933, Second Special Session.

Be it enacted by the Legislature of the State of Utah:

ARTICLE 1

PRELIMINARY PROVISIONS

Section 1. Short Title.

This act shall be known and may be cited as the "Liquor Control Act."

Section 2. Deemed Exercise of Police Powers — Liberally Construed.

This act shall be deemed an exercise of the police powers of the state for the protection of the public health, peace and morals; to prevent the recurrence of abuses associated with saloons; to eliminate the evils of unlicensed and unlawful manufacture, selling and disposing of alcoholic beverages; and all provisions of this act shall be liberally construed for the attainment of these purposes.

ARTICLE 2

DEFINITIONS

Section 3. Definitions.

The following words and phrases used in this act shall have the following meaning, unless a different meaning clearly appears from the context:

"Alcoholic Beverage" means and includes "beer" and "liquor" as they are defined herein.

"Application" means a formal written request for the issuance of a permit or license.

"Beer" means any beverage containing not less than $\frac{1}{2}$ of one per centum of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain or similar products. "Heavy Beer" means beer containing more than 3.2 per centum of alcohol by weight. "Light Beer" means beer containing not more than 3.2 per centum of alcohol by weight. Beer may or may not contain hops or other vegetable products. "Beer" includes ale, stout and porter.

"Brewer" means any person engaged in manufacturing beer.

"Commission" means "Utah liquor control commission."

"Dentist" means a person holding a valid and unrevoked license to practice dentistry under the laws of the state of Utah.

"Druggist" or "pharmacist" means any person holding a valid and unrevoked license as a registered pharmacist under the laws of the state of Utah and who is actually in good faith engaged in the business of compounding and dispensing drugs or medicines.

"Drug store" or "pharmacy" shall be as defined by the statutes of Utah.

"Interdicted person" means a person to whom the sale of liquor is prohibited by an order made under this act.

"Liquor" means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt, or other liquid or combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one-half of one per centum of alcohol by weight; and all mixtures, compounds or preparations, whether liquid or not, which contain more than one-half of one per centum of alcohol by weight, and which are capable of human consumption; except that the term "liquor" shall not include "light beer."

"Manufacture" means to distill, brew, rectify, blend, mix, compound, process, ferment, or otherwise make any alcoholic beverage as defined in this act.

"Package" shall mean any container, bottle, vessel, or other receptacle immediately containing liquor.

"Person" includes any individual, firm, copartnership, corporation, association, or any group or combination, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

"Physician" means a person holding a valid and unrevoked license to practice medicine and surgery in the state of Utah.

"Prescription" means a writing in the form prescribed by the regulations, signed by a physician, and given by him to a patient for the

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obtaining of liquor pursuant to this act for use for medicinal purposes only.

"Public place" shall mean and include any place, building or conveyance, to which the public has, or is permitted to have access, and any highway, street, lane, park or place of public resort or amusement, and any other place which, under the provisions of this act, has been declared to be a public place.

"Regulations" means regulations made by the commission.

"Residence" means and includes any building, or part of a building, where a person resides, but shall not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel other than a private guest room, nor a club or any part thereof, nor any place from which there is access to a club or hotel except through a street or lane or other open and unobstructed means of access, nor any portion of a building used in part for business purposes unless such portion is separated from the part used for business purposes by a wall or walls having no doors or other means of access opening into such part used for business purposes.

"Retailer" means any person engaged in the sale or distribution of alcoholic beverages to the consumer.

"Sell" or "to sell" when used in this act in any prohibition, shall be construed to include: to solicit or receive an order for; to keep or expose for sale; to deliver for value or gratuitously; to peddle; to possess with intent to sell; to traffic in; for any consideration, promised or obtained, directly or indirectly, or under any pretext or by any means whatsoever, to procure or allow to be procured for any other person; and "sale," when so used, shall include every act of selling as above defined.

"Wholesaler" means any person other than a manufacturer, engaged in the importation for sale, or in the sale of alcoholic beverages in wholesale or jobbing quantities to the commission or to retailers.

"Wine" includes any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey or milk, whether or not other ingredients are added.

ARTICLE 3.

ADMINISTRATION OF ACT—CREATION OF COMMISSION AND ITS POWERS AND FUNCTIONS

Section 4. Nonpartisan.

It is hereby declared to be the policy of the state that the administration of this act shall be nonpartisan.

Section 5. *Liquor Control Commission—Administrator.

A liquor control commission is hereby created consisting of three commissioners to be appointed by the governor by and with the consent of the senate. Immediately after the effective date of this act the governor shall appoint one commissioner to hold office for a period of two years, one to hold office for a period of four years, one to hold office for a period of six years. The governor shall designate one of the members as chairman and administrator, and shall fix the salary of each commissioner, and such salaries may differ in amount. At the expiration of the term of any commissioner the governor shall appoint his successor for a period of six years by and with the consent of the senate if it then be in session. The governor shall have power to fill vacancies in the office of any commissioner for the balance of an unexpired term, and each commissioner shall be subject to removal at any time at the pleasure of the governor. Within ten days after notice of his appointment and before entering upon the discharge of the duties of his office, each commissioner shall take the oath prescribed for elective state officers and shall give a bond to the state of Utah in the sum of \$10,000 for the faithful performance of the duties of his office, the premium on such bond to be paid out of the funds of the commission. Two members of the commission shall constitute a quorum for the transaction of business. The chairman and administrator shall devote his entire time to the business of the commission, and the other members shall devote so much of their time to the duties of their office as may be necessary to the proper performance thereof. Each commissioner shall be allowed his actual and necessary traveling expenses while engaged in the performance of his official duties to be paid out of the funds of the commission. No more than two of such commissioners shall be of the same political party.

Section 6. * Powers and Duties of Commission.

Subject to the provisions of this act, the commission shall:

Control of Liquor Stores, Etc.

(a) Have the general control, management and supervision of all liquor stores and package agencies;

Number and Location of Stores.

(b) Decide, within the limits and under the conditions imposed by this act, the number and location of the stores and package agencies to be established in the state;

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Management of Stores and Warehouses.

(c) Regulate the equipment and management of stores and warehouses in which liquor is kept or sold;

Import and Sale.

(d) Buy, import, and keep for sale, and sell, liquors, in the manner set forth in this act and furnish stocks of liquors to stores and package agencies;

Control.

(e) Control the possession, sale, consumption, transportation and delivery of alcoholic beverages in accordance with the provisions of this act and the regulations;

Grant Permits.

(f) Grant, refuse, suspend or cancel permits for the purchase or use of liquor;

Acquisition of Property.

(g) Buy, build, lease, or otherwise acquire, furnish and equip any property it may consider necessary or useful in carrying into effect the objects and purposes of this act;

Appointment of Employees.

(h) Subject to the provision of section 10 appoint such officers, inspectors, vendors, agents and employees as it may deem necessary in the administration of this act, and by regulation prescribe the conditions of their employment, fix their remuneration and define their respective duties and powers, require that bonds be given and determine the amount and conditions thereof; and it may remove any such appointee when in its judgment it is for the good of the service; and it may, free from the limitations stated in section 10, engage temporarily and for a special purpose the service of experts and persons engaged in the practice of a profession, if deemed expedient;

Packages.

(i) Determine the nature, form and capacity of all packages to be used for containing liquor kept or sold under this act;

Price Lists.

(j) Fix prices at which liquors shall be sold and provide for the issue and distribution of price lists showing the price to be paid by purchasers for each class, variety or brand of liquor kept for sale by the commission, which prices shall be the same at all stores and package agencies;

Officials to Issue Permits.

(k) Appoint officials to issue and grant permits under this act;

Commission to Issue All Licenses.

(l) Have the exclusive power to grant and issue all licenses authorized by this act;

General Powers.

(m) Without in any way limiting or being limited by the foregoing specific powers, generally do all such things as are deemed necessary or advisable by the commission for carrying into effect the provisions of this act and the regulations.

Section 7. Regulations.

The commission may, from time to time, make such resolutions, orders and regulations, not inconsistent with this act, as it may deem necessary for carrying out the provisions thereof and for its efficient administration. The commission shall cause such regulations to be filed in the office of the secretary of state, and thereupon they shall have the same force as if they formed a part of this act. The commission may amend or repeal such regulations, and such amendments or repeals shall be filed in the same manner, and with like effect. The commission may from time to time cause such regulations to be printed for distribution in such manner as it may deem proper.

Section 8. Id.

Without limiting the generality of the provisions contained in section 7 it is declared that the powers of the commission to make regulations in the manner set out in the said section shall extend to and include the following:

Regulating Equipment.

(a) Regulating the equipment and management of state stores and package agencies and warehouses in which liquor may be kept or sold;

Duties of Employees.

(b) Prescribing the duties of the officers, agents, inspectors, clerks and employees of the commission and regulating their conduct while in the discharge of their duties;

Purchase of Liquor.

(c) Governing the purchase of liquor and the furnishing of liquor to state stores and package agencies established under this act;

Varieties of Liquor.

(d) Determining the classes, varieties and qualities of liquor to be kept for sale at state stores and package agencies;

Hours for Sale.

(e) Prescribing the days and hours at which state liquor stores and package agencies or any of them shall be kept open;

Price List.

(f) Providing for the issue and distribution of price lists showing the price to be paid for each class, variety or brand of liquor kept for sale at state stores and package agencies;

Books of Account.

(g) Prescribing the books of account to be kept by the commission and by the state stores and package agencies;

Official Seals—Labels.

(h) Prescribing an official seal and official labels and determining the manner in which such seal or label shall be attached to every package of liquor sold or sealed under this act, including the prescribing of different official seals or different official labels for the different classes, varieties and brands of alcoholic beverage;

Forms—Conditions of Licenses.

(i) Prescribing forms to be used for the purpose of this act or of the regulations made thereunder, and the terms and conditions in permits and licenses issued and granted under this act;

Duplicate Permits.

(j) Prescribing the nature of the proof to be furnished and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed;

Records of Purchases by Permittee.

(k) Prescribing the forms of records of purchase of liquor by the holders of permits, and the reports to be made thereon to the commission, and providing for inspection of the records to be kept;

Notices.

(l) Prescribing the manner of giving and serving notices required by this act or the regulations made thereunder;

Duties of Officials Issuing Permits.

(m) Prescribing the duties of officials authorized to issue permits under this act;

Fees.

(n) Prescribing the fees payable in respect of permits and licenses issued under this act, and prescribing the fees for anything done or permitted to be done under the regulations made thereunder, in cases in which no fees are prescribed in this act;

Books of Licensee.

(o) Prescribing the books, records and returns to be kept by the holder of any license issued under this act;

Distribution and Storage.

(p) Supervising the distribution of supplies and the manner in which liquor may be kept and stored;

Delivery and Conveyance of Alcoholic Beverages.

(q) Supervising the hours and days upon which, and the manner, methods and means by which vendors and brewers shall deliver alcoholic beverages and the hours and days during which, and the manner, methods and means by which alcoholic beverages, under this act, may be lawfully conveyed and carried;

Conduct of Premises.

(r) Governing the conduct, management and equipment of any premises upon which alcoholic beverages may be sold or consumed;

Needful Regulations.

(s) Making all needful regulations for the better carrying out of the provisions of this act.

Section 9. Board of Supplies and Purchase Not to Have Jurisdiction.

The provisions of law pertaining to the board of supplies and purchase and prescribing the general powers and duties of said board, shall not apply to the commission.

Section 10. Selection of Employees.

No officer or employee shall be appointed or employed by the commission except as provided in this section. The commission is hereby authorized to prescribe from time to time, by rule or regulation, the qualifications to be possessed by persons to be employed under this act. In all cases persons appointed shall be citizens of the United States. No person shall be eligible for appointment to any position under this act who shall have been convicted of a felony or of any violation of any city or county ordinances, state or federal laws concerning alcoholic beverages, or shall have forfeited his bond to appear in court to answer charges of having committed a felony or violated any such laws or ordinances, or shall have pleaded guilty to a charge of having committed a felony, or of having violated any such law or ordinance.

Every person desiring employment in a state liquor store or establishment shall file with the commission an application under oath or affirmation which shall be in such form and shall set forth such information as the commission shall prescribe; *provided, however*, that the commission shall not require the color or race of the applicant to be designated. Upon receiving such application, the commission shall determine whether the applicant is of good moral character, and, under the provisions of this act and the rules or regulations of the commission, is

duce documentary evidence if so ordered, or there to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Section 35. Immunity.

No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other documents before the commission, or in obedience to the subpoena of the commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the commission, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Section 36. Limitation on Purchases by Individuals.

The commission is authorized to limit the amount of liquor which may be purchased from a state liquor store or package agency by any person at one time or during any period.

Section 37. Liability Insurance.

It shall be the duty of the commission to maintain on each motor vehicle operated by it on any public highway insurance against loss by reason of any liability imposed by law upon the commission for damages on account of bodily injuries suffered by any person or persons by reason of the ownership, maintenance or use of such motor vehicle, and by reason of any liability or loss on account of damage to or destruction of property of any or every description, including liability of the commission for the resultant loss of use of such property, resulting from accident due to the ownership, maintenance or use of any such motor vehicle. The commission shall be liable to respond in damages in all such cases if a private corporation under the same circumstances would be liable.

ARTICLE 4

ESTABLISHMENT OF STATE LIQUOR STORES AND PACKAGE AGENCIES—SALES UNDER PERMITS—LICENSES

Section 38. State Stores.

Unless otherwise prohibited, stores to be known as state liquor stores may be established

by the commission at such places in the state as considered advisable for the sale of liquor in accordance with the provisions of this act and the regulations made thereunder.

Section 39. Vendors.

The sale of liquor at each state liquor store shall be conducted by a person appointed under this act to be known as a "vendor" who shall, under the direction of the commission, be responsible for the carrying out of this act and the regulations, so far as they relate to the conduct of such store and the sale of liquor thereat; *provided*, that all vendors shall be employed by the commission on a salary basis and the amount of such salary shall not be on a basis of sales or volume of business done by such vendor.

Section 40. Package Agencies.

Unless otherwise prohibited, the commission may, when it deems expedient, create package agencies by authorizing persons engaged in the business of conducting a retail merchandising store to sell at such store in sealed packages liquor to be furnished by the commission, under the regulations to be made by it, to persons who may legally purchase from a liquor store; *provided*, that no person having a license to sell draft beer shall be appointed to operate a package agency. The authorization shall be by certificate of the commission, and such certificate shall designate the person in charge of such agency who shall be a "vendor" under this act. The said person shall be a natural person and the exact location and description of the part of the premises where such liquor may be kept and sold, shall be designated in the certificate, and liquor shall not be kept at any other place than as in the certificate designated. Such certificate shall be permanently posted in a conspicuous place in such place of business. No certificate shall issue to or be held by any person who does not possess all the qualifications required of licensees authorized to sell beer on draft, nor until he shall give bond to the commission in such as it may fix, conditioned as required in bonds of licensees, so far as applicable, and also conditioned that he will return all liquors which shall be delivered to him, or account for and pay to the commission the price of all such liquors not returned.

Section 41. Sale and Delivery of Liquor to Holder of Permit.

A vendor may sell to any person who is the holder of a subsisting permit, such liquor as that person is entitled to purchase under such permit in conformity with the provisions of this act and the regulations, except any person who is or appears to be under the influence of liquor and any person under the age of 21 years; *provided*, that he shall not suggest any

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particular brand or brands of liquor to any purchaser and that he shall not make out the purchase order of any purchaser.

Conditions Upon Which Sale May Be Made.

Except as provided by the regulations no liquor sold under this section shall be delivered until:

- (a) The purchaser has given a written order to the vendor, dated and signed by such purchaser and stating the number of his permit, and the kind and quantity of the liquor ordered; and
- (b) The purchaser has produced his permit for inspection by the vendor; and
- (c) The purchaser has paid for the liquor in cash; and
- (d) The vendor has written or caused to be written on the sales slip the number of the permit, the kind and quantity of the liquor sold and the date of the sale. The original sales slips to be filed and kept one year.

Section 42. Sealing Packages, Etc.

Except as provided by this act and the regulations, no liquor shall be sold to any purchaser except in a package sealed with the official seal as prescribed by this act and such package shall not be opened on the premises of a state liquor store or package agency.

Section 43. Drinking in Liquor Stores or Agencies Forbidden.

No vendor, officer, agent, clerk or employee employed in a state liquor store or package agency shall allow any liquor to be consumed on the premises nor shall any person consume any liquor on such premises.

Section 44. Days and Hours for Sale.

No sale or delivery of liquor shall be made on or from the premises of any state liquor store or package agency, nor shall any store or package agency be kept open for the sale of liquor:

- (a) On any legal holiday;
- (b) On any day on which any national or state election is held in the district in which the store or package agency is situated;
- (c) On any day on which any municipal election is held in the municipality in which the store or package agency is situated, or upon any question submitted to the electors of the municipality under any act of Utah;
- (d) Except such hours on other days, and in such manner and on such conditions as the commission may by regulation direct.

Section 45. Delivery of Liquor to and From State Liquor Stores.

It shall be lawful to carry or convey liquor to any state liquor store or authorized package

agency or to any licensee authorized to sell liquor, and to and from any depot or warehouse established by the commission for the purposes of this act; and when permitted so to do by this act and the regulations it shall be lawful for any common carrier, or other person, to carry or convey liquor sold by a vendor from a state liquor store or package agency, when lawfully sold by the commission or a vendor, from such liquor store or package agency, or from premises where liquor may be lawfully kept and consumed to any place to which the same may be lawfully kept and consumed under this act and the regulations made thereunder; *provided*, that no such common carrier or any other person shall open, or break, or allow to be opened or broken, any package or vessel containing liquor, or drink, or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed.

Section 46. Classes of Permits.

The commission may issue two classes of permits under this act for the purchase of liquor, viz:

- (a) Individual permits;
- (b) Special permits.

Section 47. Application for Issue of Permits.

Upon application in the prescribed form being made to the commission or to any employee authorized by the commission to issue permits accompanied by payment of a fee of fifty cents therefor, and upon the commission or such employee being satisfied that the applicant is entitled to a permit for the purchase of liquor under this act the commission or such employee may issue to the applicant a permit good for one year of the class applied for, as follows:

Individual Permit for Resident.

(a) An "individual permit" in the prescribed form may be granted to any individual of the full age of twenty-one years, who is not disqualified under this act, entitling the applicant to purchase liquor in accordance with the terms and provisions of the permit, and the provisions of this act, and the regulation;

Special Permit for Physicians, Etc.

(b) A "special permit" in the prescribed form may be granted to a druggist, physician, dentist, or hospital, or to a person engaged within the state in mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling the applicant to purchase liquor for the purpose named in such "special permit" and in accordance with the terms and provisions of such "special permit" and in accordance with the provisions of this act and the regulations;

Official Seal

HEAVY BEER-TRAINS

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Special Permit for Ministers.

(c) A "special permit" in the prescribed form may be granted to a priest, minister of the gospel, or any other minister of any religious faith authorized to solemnize marriage in Utah, entitling the applicant to purchase wine for sacramental purposes in accordance with the terms and provisions of such "special permit";

Industrial Alcohol Permits.

(d) A "special permit" in the prescribed form may be granted to any person engaged within the state in mechanical or manufacturing business, or in scientific pursuits, requiring alcohol or liquor for use therein, entitling the applicant to purchase from the commission alcohol or liquor for the purpose named in such permit, and in accordance with the provisions of this act, and the regulations;

Special Permits Under Regulations.

(e) A "special permit" in the prescribed form may be granted when authorized by the regulations, entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the terms and provisions of such permit, and of this act and the regulations.

Section 48. Prohibition as to Disorderly Houses.

No one who has been convicted of or who has pleaded guilty to, or who has forfeited his bail on a charge of keeping, frequenting or being an inmate of a disorderly house shall be entitled to a permit until after the expiration of at least one year from the date of such conviction or of such plea of guilty, or of such forfeiture.

Section 49. Discretion as to Permits.

Notwithstanding any other provisions of this act, the commission may refuse or direct any official or employee authorized to issue permits to refuse to issue a permit to any person and no official so directed shall issue any such permit.

Section 50. Expiry of Permits.

Unless sooner canceled, every permit shall expire one year from date of issuance, except a permit which according to its terms, sooner expires.

Section 51. Issue of Permit—Not Transferable.

Every permit shall be issued in the name of the applicant therefor and no permit shall be transferable nor shall the holder of any permit allow any other person to use the permit.

Section 52. Requirements for Identification.

No permit shall be delivered to the applicant until he has, in the presence of some person duly authorized by the commission, or in the presence of the official to whom the application is made, written his signature thereon in the manner prescribed by the regulations for the purpose of his future identification as the holder thereof, and the signature has been attested by a member of the commission, or other official authorized to issue the same.

Section 53. Duplicate Permits.

Any person whose permit has been lost or destroyed may apply to the commission or other official authorized to issue permits, and upon proof of the loss or destruction of the permit, and subject to the conditions contained in the regulations may obtain a duplicate permit in lieu of the permit so lost or destroyed for which duplicate permit a fee of fifty cents shall be paid.

Section 54. Cancellation of Permits.

Notwithstanding anything contained in this act, the commission may for any cause which it deems sufficient with or without any hearing cancel or suspend any permit granted for the purchase of liquor under this act.

Section 55. Suspension of Permit on Conviction.

The court before whom any holder of a permit issued under this act is convicted of a violation of any provision of this act, or of the regulations, may suspend the permit for a period not exceeding one year, and thereupon the court shall forthwith notify the commission of the suspension of the permit.

Section 56. Id. Delivery Up of Permit.

Upon receipt of notice of the suspension of his permit the holder of the permit shall forthwith deliver up the permit to the commission, and if the holder of a permit, which has been suspended, fails or neglects to deliver the same to the commission in accordance with the regulations, the commission may forthwith cancel the same.

Section 57. Order of Interdiction—Cancellation of Permit.

When it is made to appear to the satisfaction of a judge of the district court that any person residing or sojourning within this state, by excessive drinking of liquor, misspends, wastes, or lessens his estate, or injures his health, or interrupts or impairs the peace or happiness of his family, the judge may make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further ordered; and the judge shall cause the order to be forth-

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a license to a distiller authorized by the United States to manufacture alcohol, authorizing such distiller to distill, to sell in the state to the commission only, and to export alcohol and may make regulations providing for the returns to be made to the commission by such distiller and governing the manner in which alcohol may be manufactured, sold, kept for sale, transported, or delivered.

Section 74. Railroad Companies—Public Service Liquor Licenses.

Subject to the provisions of this act, and the regulations, the commission, upon application, may issue liquor licenses to railroad or pullman companies permitting alcoholic beverages to be brought into the state on and sold in dining, club or buffet cars to passengers for consumption while enroute on such railroad. Such licenses shall be known as public service liquor licenses. Every applicant for a public service liquor license shall, before receiving such license, pay to the commission an annual license fee of \$15 per annum for each regular numbered passenger train upon which alcoholic beverages are to be sold.

Section 75. Applications for Licenses.

All applications for licenses authorized by this act shall be verified and shall be filed with the commission, and such applications must state the applicant's name in full, and that he has complied with the requirements, and possesses the qualifications specified in this act, and if the applicant is a copartnership, the names and addresses of all the partners must be stated, and if a corporation, the names and addresses of all its officers and directors must be stated. All applications by individuals must be subscribed by the applicant, who must state, under oath, that the facts stated therein are true. Applications by copartnerships must be subscribed and sworn to to the effect above stated by all of the members thereof, and applications by a corporation must be subscribed and sworn to to the effect above stated by the president or a vice president and the secretary thereof. In addition to the foregoing, the application shall contain a certificate of at least five resident freeholders of the voting district in which the license is to be effective to the effect that each of the persons aforesaid personally knows the applicant, that he is a man of good moral character, and that in his opinion the applicant is a fit and proper person to be granted a license. In case of a copartnership the foregoing certificate shall be made to cover each of the members, and in case of a corporation, to cover all of the officers and directors. No application shall be accepted or filed by the commission unless the statements therein contained and the certificate when required

substantially conform to the foregoing provisions. Applicants must furnish such other information as the commission may require.

Section 76. Bonds of Licensees.

No license shall be granted until the applicant shall give a bond to the commission in such sum as the commission shall determine within the limits hereinafter stated, with two good and sufficient sureties, or a corporate surety, to be approved by the liquor control administrator, conditioned as in the following form, to wit:

KNOW ALL MEN BY THESE PRESENTS,
That we, A. B. of _____
as principal, and C. D. and E. F. of _____

as sureties, are held and firmly bound unto the liquor control commission of the state of Utah in the sum of \$_____ for which payment well and truly to be made we hereby jointly and severally bind ourselves and our respective heirs and legal representatives, firmly by these presents.

Dated this _____ day of _____,
19____.

The condition of this obligation is such, that whereas the above bounden A. B. has this day been licensed by license No. _____ issued by the liquor control commission of the state of Utah.

Now, if the said A. B. shall faithfully comply with the laws of the state of Utah, and with the regulations of the said commission, and with the ordinances of the city, town, or county in which the license shall be effective, and in particular with all laws, ordinances and regulations relating to the possession, use, sale, and dispensing of alcoholic beverages, and shall pay all excise taxes that may be imposed upon him and all damages, fines, penalties and forfeitures that may be adjudged against him under the provisions of the liquor control act, or of said regulations or ordinances, and all other damages recoverable under the provisions of law relating to the possession, sale, and dispensing of alcoholic beverages, then this bond shall be void, but otherwise in force.

Principal.

Sureties.

The commission may prescribe additional conditions.

The bond of a distiller of alcohol shall be in the penal sum of not less than \$10,000, that of a brewer in a penal sum of not less than \$10,000, that of a wholesaler in a penal sum of not less than \$5,000, and that of a retailer selling beer on draft in a penal sum of not

less than \$3,000, and that of a retailer of light beer in such penal sum as the commission may fix.

No person who is a principal or surety upon any bond given under this act, except a surety company, shall be permitted to become a surety upon any other bond of a like character. Every surety, except as aforesaid, shall make a written statement under oath that he is not a surety upon any other bond given under the provisions of this section, and that he is the owner of real property in his own right and standing in his name and situated within the state of Utah free from incumbrance and not exempt from execution having a fair market value of not less than twice the penalty named in the bond, and that he is worth not less than twice the penalty named in the bond over and above all liabilities and indebtedness and all property exempt from execution, and the statement so made shall describe such real property, and sufficient other property, real or personal, to cover the requirements of the bond. The commission shall cause a copy of such verified statement of such surety, together with a copy of such bond, certified by a notary public, to be filed for record in the office of the recorder in the county in which such real property is situated, and when so filed such bond shall be a lien on such real property. Such bond and affidavit shall be recorded in the book kept for the recordation of mortgages, and the recorder shall make no charge for recording the same. Upon the filing of a certificate by the administrator that said bond has been canceled, the lien shall be discharged.

No bond shall be required from a public service licensee.

Section 77. License Fees for Part Term.

All licenses shall expire on the thirtieth day of June of each year, unless sooner canceled, and the fees for such licenses, when applied for and issued on or after October first, but prior to January first, shall be three-fourths of the annual fee; on or after January first, but prior to April first, shall be one-half of the annual fee; on or after April first, but prior to July first, shall be one-fourth of the annual fee.

Section 78. License Fees to Sell Beer Go to Municipalities.

All license fees under this act to be paid by licensees authorized to sell beer, shall be collected by the commission for the use of the municipalities in which the licensed premises are located; and shall be remitted quarterly by the commission to the treasurers of the respective municipalities.

Section 79. Minimum Age for Permittees and Agents.

No person shall receive a permit or package agency certificate under this act who is under twenty-one years of age.

Section 80. Discretion in Granting and Revoking Licenses.

The commission, with or without a hearing, may at its discretion refuse to grant any license or permit applied for, and may revoke any license or permit at any time; and in no such case need any cause be stated. The acts of the commission in giving or withholding consent or in granting, denying, or revoking licenses or permits shall not be subject to any review whatever, except in the cases in which such action has been procured by fraud. If at any time a licensee or permittee shall cease to possess all of the qualifications required by this act it shall be the duty of the commission to revoke his license or permit. All licenses and permits shall have incorporated therein the statement that they are granted subject to revocation as provided in this act.

Section 81. Returns and Records of Licensees.

Every licensee shall on or before the tenth day of each month make a return under oath to the commission of the alcoholic beverages by him manufactured, sold, delivered, distributed, bottled, shipped or transported, or removed for storage or consumption or sale within this state, or imported into or exported from this state during the preceding calendar month, which shall be upon forms furnished by the commission. The commission and the state tax commission may at any time examine the books and records and premises of such licensee, and make or require the licensee to furnish any additional information, and to make an inventory or otherwise check the accuracy of his returns. It shall be the duty of such licensee to keep records of all such transactions and such other records as may be required by the commission, all of which shall be preserved by the licensee for a period of three years.

Section 82. Light Beer—Licensee May Purchase From Whom.

It shall be unlawful for any licensee to purchase or acquire, or have or possess for the purpose of sale or distribution any light beer except that which he shall have lawfully purchased from a brewer, or wholesaler licensed under the provisions of this act.

ARTICLE 5

BEER

Section 83. Manufacture, Importation and Sale.

Beer may be manufactured, sold, delivered, distributed, bottled, shipped or transported or

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removed for storage or consumption or sale within this state, or possessed or consumed therein or imported into or exported therefrom in the manner and under the conditions prescribed in this act, or in the regulations, and not otherwise.

Section 84. Labels.

Every person manufacturing or importing beer for sale within this state shall put or cause to be put upon all bottles, kegs, and other receptacles containing such beer a label showing the nature of the contents, the kind of beer as "beer", "ale", "stout", or "porter", the percentage of alcohol contained therein, the name of the person by whom the beer was manufactured, and the place where it was brewed.

Section 85. Necessity of License—To Be Displayed.

No person shall make, sell, dispense, give, deliver, store, distribute, bottle, import, ship or transport, or cause to be made, sold, dispensed, given, delivered, stored, distributed, bottled, imported, shipped or transported, in or into this state any beer for sale, use or consumption therein, unless he shall hold a license so to do issued by the commission. A separate license shall be required for each warehouse, place of storage or of manufacture or of sale, and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued.

Section 86. Qualifications of Licensees.

No license shall be granted to any retailer to sell beer on draft nor to any brewer or wholesaler, unless he shall be of good moral character, over the age of twenty-one years, and a citizen of the United States, nor to anyone who has been convicted of a felony, or of any violation of any law or ordinance relating to intoxicating liquors, or of drunken driving or of keeping a gambling or disorderly house, or who has pleaded guilty to, or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, nor to any partnership, any member of which lacks any of the qualifications hereinbefore in this paragraph set out, nor to any corporation, any director, or officer of which lacks any of such qualifications. Licensees authorized to sell light beer in bottles shall be of a good moral character and shall possess such other qualifications as may be required by the commission.

Section 87. Licenses to Brewers.

The commission may grant licenses to brewers to manufacture beer, and to engage in its distribution by export or by sale in wholesale or jobbing quantities to the commission or in the case of light beer, to licensed retailers or

wholesalers; provided, that a licensed brewer or wholesaler upon receiving a bona fide order, may sell not less than a case of 24 11-oz. bottles or 12 24-oz. bottles or one-eighth barrel of light beer to a customer for his own use and not for resale.

Section 88. Licenses to Wholesalers.

The commission may grant licenses to wholesalers to import beer for sale to the commission only, except that light beer may be sold by such licensees to licensed retailers.

Section 89. Retail Licenses.

The commission may grant licenses to sell light beer at retail in bottles for consumption off the premises where sold, and may also grant licenses to sell light beer on draft; but no such licenses shall be granted to sell any beer in any dance hall, theatre, or in the proximity of any church or school. The commission shall have authority to determine in each case what shall constitute proximity.

Section 90. Amount of License Fees.

Annual license fees shall be as follows:

Brewers operating a brewery with an annual capacity not exceeding 5,000 barrels, \$250; with an annual capacity over 5,000 barrels and not exceeding 25,000 barrels, \$500; with an annual capacity over 25,000 barrels and not exceeding 50,000 barrels, \$750; with an annual capacity over 50,000 barrels and not exceeding 75,000 barrels, \$1,000; with an annual capacity over 75,000 barrels, \$1,250.

In all other cases, each city council or commission, town board, or board of county commissioners, if the business licensed shall be within its jurisdiction, shall fix the amount to be paid for the license, but no board of county commissioners shall have authority to fix or charge a license fee of any business situated within a city or town. Fees for licenses granted for a less period than one year shall be fixed at one-fourth of the yearly fee for each quarter year or fraction thereof embraced within the license. Each license fee collected by the commission shall be paid by it, within ten days after the close of the quarter year during which it is collected, to the county, city or town in which shall be situated the licensed business with respect to which the fee shall be paid, except that brewers' license fees shall be retained by the commission.

Section 91. Number of Licenses for Sale of Beer on Draft.

The number of licenses for sale of light beer on draft which may be outstanding at one time within any city, town or county shall not exceed one for the first 500 of population or portion thereof, one for the next 500 or major portion thereof, one for the next 1,000 or major

Sales limited to Light Beer only

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portion thereof, one for the next 2,000 or major portion thereof, and one for each additional 4,000 or major portion thereof. Population for the purposes of this section shall be determined by reference to the federal census next preceding the date of such determination. In determining the number of outstanding licenses which may be allowed in the territory of any county exclusive of the territory embraced in the cities and towns therein, the population in such county exclusive of that of the cities and towns located in said county shall be taken.

Section 92. Consumption on Premises.

No licensee, unless he shall be licensed to sell beer on draft shall permit any beer to be consumed on his premises, except that brewers, if it shall be in accordance with established custom, may allow their employees to consume in the brewery such beer as may be furnished to them without charge by the brewer and except that licensees who may lawfully buy from brewers or wholesalers may consume bona fide samples furnished them by such brewers or wholesalers.

Section 93. Free Lunches Prohibited.

It shall be unlawful for any licensee to furnish or advertise, or offer to furnish or dispense, or to dispense any free lunch with beer sold by him, or to sell, or furnish or dispense with such beer any food to be consumed with it except upon payment of a price therefor at which such food is regularly sold by him without beer.

Section 94. Samples of Beer.

Every licensee shall from time to time, on request of the commission, furnish it samples of the beer which he shall have for sale or which he shall have in course of manufacture for sale in this state.

Section 95. Excise Tax.

An excise tax of eighty cents per barrel of thirty-one gallons, and at a like rate for any other quantity, or for the fractional parts of a barrel, is hereby levied and imposed on all light beer, and an excise tax of \$1.60 per barrel of thirty-one gallons, and at a proportionate rate for any other quantity or for the fractional parts of a barrel, is hereby levied and imposed on all heavy beer imported, manufactured, sold, distributed, shipped or transported or removed for storage or consumption or sale within this state, or possessed or consumed therein; *provided*, that such tax shall not be imposed on beer exported from the state of Utah, nor shall it be imposed more than once on the same beer. The tax shall be payable at such time as may be required by the regulations.

Section 96. Id. Receipt, Sale and Possession of Untaxed Beer Unlawful.

It shall be unlawful for any person to import, receive, possess, dispense, sell, give, offer for sale, deliver, distribute, ship, transport or store or in any manner use, either in the original package or otherwise, any beer unless the excise tax imposed by this act shall have been paid and unless a stamp or label showing such tax to have been paid shall be affixed to the barrel, bottle, or other immediate container of the beer; *provided*, that the commission may by regulation provide the conditions under which brewers licensed under this act may possess beer before the tax shall be paid thereon and the conditions under which they may export beer from the state without the payment of the tax. It shall be unlawful for any person to keep, sell, or otherwise dispose of any bottled beer in containers of a capacity of more than sixty-four fluid ounces, and shall be sold only in the original containers.

Section 97. Id. Unlawful Importations and Deliveries.

It shall be unlawful for any common or contract carrier, or any officer, agent or employee thereof or any other person knowingly to ship, carry, transport into, deliver, sell, distribute, store or furnish in this state in any manner or by any means whatsoever any beer upon which the excise tax shall not have been paid, or which shall not have affixed to the barrel, bottle or other immediate container containing such beer a stamp or label showing such tax to have been paid, or any beer, whether or not such tax shall have been paid thereon, when such beer is intended by any person interested therein to be received, possessed, sold or in any manner used, either in the original package or otherwise, in violation of the laws of this state; and in case of such sale, or furnishing, in which a shipment or delivery of such beer is made by a common or other carrier, the sale or furnishing shall be deemed to be made in the county where the delivery of such beer is made by such carrier to the consignee, his agent or employee.

Section 98. Id. Report—Effect of Failure.

If any person required by this act or by the regulations made thereunder to file a report with respect to excise taxes, or containing information required in order to determine the amount of such taxes, shall fail, neglect, or refuse to file such report, the tax commission shall estimate the amount of beer upon which such tax shall be payable, and shall assess the tax thereon, and such person shall not be permitted to question the amount thereof.

Section 99. Tax Delinquency.

If any person shall fail to pay the amount of any tax due from him at the time it shall be

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payable, a penalty of twenty-five per centum thereof shall be added thereto, and such tax and penalty shall bear interest at eight per centum per annum from the date of the delinquency. The tax commission may in its discretion remit the whole or any part of the said penalty if it shall be satisfied that the failure to pay the tax when due was not willful.

Section 100. Id. Warrant to Collect Tax.

If the tax imposed by this act or any portion thereof is not paid when the same becomes due, the tax commission may issue a warrant, in duplicate under its official seal, directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and personal property of the taxpayer found within his county, for the payment of the amount thereof, with the added penalties, interest and the cost of executing the warrant, and to return such warrant to the tax commission and pay to it the money collected by virtue thereof by a time to be therein specified, not more than sixty days from the date of the warrant.

Section 101. Id.

Immediately upon receipt of said warrant in duplicate the sheriff shall file the duplicate with the clerk of the district court in his county, and thereupon the clerk shall enter in the judgment docket, in the column for judgment debtors, the name of the delinquent taxpayer mentioned in the warrant, and in appropriate columns the amount of the tax or portion thereof and penalties for which the warrant is issued and the date when such duplicate is filed, and thereupon the amount of such warrant so docketed shall have the force and effect of an execution against all personal property of the delinquent taxpayer, and shall also become a lien upon the real property of the taxpayer against whom it is issued in the same manner as a judgment duly rendered by any district court and docketed in the office of the clerk thereof. The sheriff shall thereupon proceed upon the same in all respects, with like effect, and in the same manner as is prescribed by law in respect to executions issued against property upon judgments of a court of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner.

Section 102. Stamps.

The state auditor is hereby directed to have prepared, according to such specifications and designs and in such denominations as may be submitted to him by the state tax commission, stamps for use on packages and containers of beer subject to tax under the provisions of this act. Upon requisitions from the state tax commission the state auditor shall deliver to its

order the stamps designated in such requisition and shall keep an accurate record of all stamps coming into and leaving his hands. The cost of such stamps shall be charged to the general fund of the state.

Section 103. Id.

The tax commission shall at all times obtain and keep on hand or available stamps of denominations suitable for paying the tax on bottles of a maximum capacity of 16 ounces; bottles of a maximum capacity of 32 ounces; bottles of a maximum capacity of 64 ounces; kegs of a maximum capacity of one-eighth barrel; kegs of a maximum capacity of one-quarter barrel; kegs of a maximum capacity of one-half barrel; and barrels of a maximum capacity of 31 wine gallons. The tax commission may, in its discretion, cause to be prepared and kept on hand stamps of other denominations. The stamp affixed to any immediate container under the provisions of the act must be sufficient to pay the tax upon the maximum capacity of such container, and if stamps are not provided by law or in the discretion of the tax commission of denominations accurately adapted for the payment of the tax on the maximum capacity of the container, then the stamp adapted for the payment of the tax on the container, of the next higher capacity for which stamps are provided shall be used. The tax commission may, in its discretion, establish reasonable tolerances with relation to the maximum capacity of containers and the tax to be paid with respect thereto.

Section 104. Neck Labels.

Any person required by this act to affix stamps to bottles containing beer may furnish to the tax commission a design for a neck label which he proposes to affix to the bottles containing his bottled beer, which design shall leave near the middle thereof a suitable blank space sufficient to have such stamps imprinted therein. Such person may thereupon deposit with the state auditor a sufficient sum to cover the cost of the manufacture and printing such labels, whereupon the state auditor shall procure the quantity of such labels ordered and so paid for, and shall cause the appropriate stamp to be printed in the blank space. Such labels shall thereafter be sold to the persons entitled to purchase them, for the price of the stamps imprinted thereon, and may be used as and for the stamps required by this act.

Section 105. Dies.

The dies used in the printing and manufacture of such stamped neck labels shall be the property of the state of Utah and shall at all times, except when lodged with the printer for the purpose of printing such neck labels and

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stamps, be kept in the custody of the state auditor.

Section 106. Affixing Stamps.

All stamps affixed to bottles shall be firmly pasted directly on the glass surface thereof. Stamps affixed to kegs or barrels shall be attached in such manner that a part of the stamp will be destroyed when the spigot is run into the keg.

Section 107. Redemption of Stamps.

Unused stamps may be redeemed at their tax face value within two years after such stamps shall have been purchased from the state tax commission by presentation to the state tax commission of a claim therefor by the person to whom they were originally sold, accompanied by the unused stamps and such assurances as the tax commission may require that they are unused. The state tax commission shall certify such claim with its approval to the state auditor, who shall draw a warrant upon the state treasurer for the payment of such claim out of the general fund of the state.

Section 108. Refilling Containers.

Any person who shall refill any beer container without first destroying the stamp previously placed on such container shall be guilty of a misdemeanor.

Section 109. Offenses Regarding Stamps.

Whoever removes any stamp from the container on which it is affixed without destroying the stamp, or prepares any stamp with intent to use or cause the same to be used in lieu of the stamps required to be furnished by the state auditor, or buys, sells, offers for sale, or gives away any washed or restored stamps to any person or used the same or has in his possession any washed or restored stamp which has been removed from the container of such beer to which it has been affixed, or whoever, for the purpose of indicating the payment of any tax hereunder, re-uses any stamp which has theretofore been used for the purpose of paying any tax provided in this act, or whoever makes, causes to be made, buys, sells, or offers for sale, or has in his possession any die, counterfeit stamp label or any neck label or stamp which is intended to or tends to cause confusion with a genuine stamp is guilty of a violation of this act and on conviction shall be punished by a fine of not more than \$1,000 or by imprisonment in the penitentiary for not more than five years, or both.

Section 110. Contraband—Seizure and Sale.

Any beer found in this state upon which the tax has not been paid, or upon the immediate container of which the stamp is not then af-

fixed, except in cases where it is expressly permitted by this act, is hereby declared to be contraband goods and the same may be seized by the state tax commission or its employees or any peace officer of the state of Utah or of any political subdivision thereof, without a warrant. Such goods shall be delivered to the state tax commission and shall be sold by it at public auction to the licensed dealer who is highest bidder after due advertisement as fixed by the state tax commission. The state tax commission before delivering any of such goods so seized and sold, shall require the person receiving the same to affix the proper amount of stamps to the immediate containers as in this act provided. The proceeds of any beer sold hereunder after the payment therefrom of the cost of confiscation and sale shall be paid to the state treasurer for the credit of the state general fund.

Section 111. Tax Regulations.

The state tax commission may make regulations not inconsistent with law with respect to the collection of excise taxes hereunder. Such regulations when filed with the secretary of state shall have the same force and effect as if enacted in this act.

Section 112. Disposition of Tax Moneys.

All moneys realized from the taxes hereby imposed shall be paid by the tax commission to the state treasurer within one month after the receipt thereof and shall be covered into the general fund.

Section 113. Construction and Equipment of Establishments.

No brewery or other establishments shall be constructed or equipped so as to facilitate any breach of this act or of the regulations; and any structure or equipment in violation of this section shall be removed on order of the commission.

ARTICLE 6

PROHIBITIONS AND INTERDICTION

Section 114. Prohibited Sale of Alcoholic Beverages.

Except as provided in this act, it shall be unlawful for any person by himself, his clerk, employee or agent, to expose, or keep for sale, or directly or indirectly or upon any pretense, or upon any device, to sell or offer to sell any alcohol or alcoholic beverage within this state.

Section 115. Possession of Liquor.

Except as provided in this act, no person shall have or keep for sale or possess within the state of Utah any liquor which has not been purchased from a state liquor store or package agency.

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Section 116. Sale by Vendors.

No person authorized to sell liquor in accordance with the provisions of this act, and no clerk, employee or agent of such person shall sell or furnish liquor in any other place or at any other time or otherwise than as authorized by this act.

Section 117. Permit Issuers.

Except as otherwise provided in this act, no official or person authorized to issue permits shall issue more than one permit for the purchase of liquor to any one individual.

Section 118. Id. False and Fictitious Permits.

No person authorized to issue permits under the provisions of this act shall issue any permit:

(a) To any person who is disqualified under the provisions of this or any other act or the regulations to make application for such permit;

(b) To any person furnishing any false or fictitious particulars in his application for such permit.

Section 119. Furnishing Liquor on Illegal Permit.

No person authorized to sell liquor in accordance with the provisions of this act, and no clerk, employee or agent of such person shall sell or furnish liquor to any permit holder whose permit has not been acquired in accordance with provisions of this act, and the regulations.

Section 120. Adulterated Alcoholic Beverage.

No holder of a license under this act, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any alcoholic beverage for sale, sold or supplied by him as a beverage, any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid.

Section 121. Interest in Alcoholic Beverage Business Forbidden to Commission, Etc.

No member or employee of the commission shall be directly or indirectly interested or engaged in any other business or undertaking dealing in any alcoholic beverage, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employee and whether for his own benefit or in a fiduciary capacity for some other person.

Section 122. Taking Improper Commissions.

No member or employee of the commission or any employee of the state shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any person or corporation having sold, selling or offering any alcoholic beverage for sale to the commission in pursuance of this act.

Section 123. Offering Commissions, Etc.

No person selling or offering for sale to, or purchasing any alcoholic beverage from the commission shall either directly or indirectly offer to pay any commission, profit or remuneration, or make any gift to any member or employee of the commission or to any employee of the state, or to anyone on behalf of such member or employee.

Section 124. Taking Liquor Unlawfully.

Except as provided in this act, no person shall, within this state, by himself, his clerk, employee or agent attempt to purchase, or directly or indirectly or upon any pretense or upon any device, purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept any alcoholic beverage from any other person.

Section 125. Liquor to Be Sealed.

It shall be unlawful for any person, except the commission, and except a railroad company, having in its possession alcoholic beverages purchased outside of the state which it may under this act or the regulations sell within the state, to have or keep any alcoholic beverages within the state unless in the original package and unless such package at all times while any of such alcoholic beverages shall be therein shall bear the official stamp, label or seal of the commission placed thereon under the authority of the commission and while such alcoholic beverages shall be therein.

Section 126. * Drunkenness in Public Places.

No person shall be in an intoxicated condition in a public place.

Section 127. Sale of Liquor to Drunken Person.

No person shall sell or supply any alcoholic beverage or permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of liquor.

Section 128. Supplying Alcoholic Beverages to Minors.

Alcoholic beverages shall not be given, sold or otherwise supplied to any person under the age of twenty-one years, but this shall not apply to the supplying of liquor to such person for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician in accordance with the provisions of this act.

Section 129. Supply of Liquor to Person Whose Permit Is Suspended.

Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this act, no person shall procure or supply or assist directly or indirectly in procuring or supplying liquor

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