



Utah Hospitality Association sues for lighter liquor laws



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In place of focusing on the involvement of the Mormon Church in a lawsuit, the Utah Hospitality Association is asking the courts to overturn some Utah liquor laws because they restrain their trade.

The UHA brought suit against the state and the LDS Church saying it had illegally influenced lawmakers to pass an extremely restrictive liquor law during the 2011 general legislative session. However, U.S. District Judge Bruce Jenkins ruled last month that because the law did not restrict or influence religious practices, it was within the Church's right to weigh-in on the law. He called the current liquor laws "religiously neutral, which don't advance or inhibit a particular religion."



LDS Church officials did not deny playing a part in the passage of the laws, but argued instead that it was not required to stay out of the lawmaking process.

The UHA is challenging a provision of Utah Code that bans bars from selling drinks at a discount price. Happy hour discounts are already banned, but under the new law, bars have to sell the drink at a uniform price and cannot have daily drink specials.

Utah legislators who supported the new law repeatedly said that discounting drinks promotes underage drinking and drunk driving. However, no study or reports were ever released or taken about the actual affects of the law.

The UHA is also questioning parts of the law that tie the number of liquor licenses to the population and the number of public safety officers in given areas. Bar permits in Utah are not expected to be available for another two years.

UHA attorney Lisa Marcy describes the law as “unconstitutionally vague” and said it fails to define specific provisions. It unfairly hurts competition and consumers, she said.

“Plaintiffs do not know what ‘discount’ means; what prices constitute the promotion of ‘over-consumption;’ who are and how many public safety officers affect the quota system; and whether they can have ‘happy days,’” Marcy wrote in the suit.

Instead of purchasing drinks at bars, the ban on specials are driving people to purchase from the state-operated liquor stores, giving it an unfair advantage, she said.



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