



THE PAIUTE INDIAN TRIBE OF UTAH

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Paiute Indian Tribe of Utah's Alcohol Beverage Control Ordinance

Title 19

19.01 INTRODUCTION

19.01.01 TITLE

This Ordinance shall be known as the Alcoholic Beverage Control Ordinance of the Paiute Indian Tribe of Utah.

19.01.02 FINDINGS AND PURPOSE

- (1) The purpose of this Ordinance is to regulate and control the manufacture, distribution, possession, sale, service, and consumption of Alcoholic Beverages within all lands within the exterior boundaries of the Paiute Indian Tribe of Utah Reservation and on lands owned by the Bands that collectively comprise the Paiute Indian Tribe of Utah. The enactment of this Ordinance will enhance the ability of the Paiute Indian Tribe of Utah to control alcohol-related activities within the exterior boundaries of the reservation belonging to the Paiute Indian Tribe of Utah and on the lands belonging to the Bands that collectively comprise the Paiute Indian Tribe of Utah. The enactment of this Ordinance will also provide an important source of revenue for the continued operation and strengthening of tribal government and the delivery of governmental services.
- (2) The manufacture, distribution, possession, sale, service, and consumption of Alcoholic Beverages within the exterior boundaries of the reservation belonging to the Paiute Indian Tribe of Utah and on the lands belonging to the Bands that collectively comprise the Paiute Indian Tribe of Utah are matters of significant concern and special interest to the Tribe.
- (3) Federal law currently prohibits the introduction of liquor in Indian country (18 U.S.C. § 1154), except as provided therein, leaving tribes the decision regarding when and to what extent liquor transactions, sales, possession and service shall be permitted on Tribal Lands (18 U.S.C. § 1161).
- (4) This Ordinance is enacted pursuant to the Act of August 15, 1953, Pub. L. 83–277, 67 Stat. 586, codified at 18 U.S.C. 1161, by the authority of the Tribal Council of the Paiute Indian Tribe of Utah under the Constitution of the Paiute Indian Tribe of Utah, Article V, Section 1.
- (5) This Ordinance shall apply to all lands within the exterior boundaries of the reservation belonging to the Paiute Indian Tribe of Utah and on the lands belonging to the Bands that collectively comprise the Paiute Indian Tribe of Utah consistent with applicable federal law and in conformity with the laws of the State of Utah to the extent required by 18 U.S.C. § 1161.
- (6) Authorized sales of Alcoholic Beverages on the lands within the exterior boundaries of the reservation belonging to the Paiute Indian Tribe of Utah and on the lands belonging to the Bands that collectively comprise the Paiute Indian Tribe of Utah shall comply with this Ordinance and applicable federal law and in conformity with the laws of the State of Utah to the extent required by 18 U.S.C. § 1161.

19.01.03 DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings, unless the context clearly requires otherwise:

- (1) “Alcoholic Beverage(s)” means and shall include wine, spirits, beer, liquor, and other beverages with an alcohol content above .5% as herein defined.

“Bands” means any one of the five (5) constituent Bands of the Paiute Indian Tribe of Utah, the Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes.

“Beer” means a product that contains at least 0.5% alcohol by volume, but not more than five percent (5%) alcohol by volume or four percent (4%) alcohol by weight, and is obtained by fermentation, infusion, or decoction of any malted grain or malt substitute. “Beer” includes products referred to as beer, ale, porter, stout, lager, malt, malted beverage, or seltzer. “Beer” does not include a flavored malt beverage, a product that contains alcohol derived from spirituous liquor or wine, or a product that contains an additive masking or altering a physiological effect of alcohol.

- (2) “Flavored malt beverage” means a beverage that contains at least .5% alcohol by volume for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. § 25.55. “Flavored malt beverage” may contain flavoring agents that contribute to the overall alcohol content of the beverage. “Flavored malt beverage” does not include Beer or Heavy Beer. “Flavored malt beverage” is considered Liquor for purposes of this Ordinance.

- (3) “Hard cider” means a wine containing not more than .64 gram of carbon dioxide per hundred milliliters of wine which is derived primarily from apples or pears, or from apple juice concentrate or pear concentrate and water, which contains no fruit product or fruit flavoring other than apple or pear, and which contains at least one-half of one percent (1%) and less than eight-point five percent (8.5%) alcohol by volume.

- (4) “Heavy beer” means a product that contains more than five percent (5%) alcohol by volume or four percent (4%) by weight and is obtained by fermentation, infusion, or decoction of a malted grain or malt substitute. Heavy Beer is considered Liquor for purposes of this Ordinance. “Heavy beer” does not include flavored malt beverages, which are separately defined at Section 3(D) of this Ordinance.

- (5) “Licensee” means a person or entity that holds an Off-Premise Alcoholic Beverage Retail License, as herein defined, and includes any employee or agent of the Licensee.

- (6) “Liquor” means liquid that is alcohol, or an alcoholic, spirituous, vinous, fermented, malt, flavored malt beverage, or other liquid, or combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks, or drinkable liquids, that contains at least zero point five percent (0.5%) alcohol by volume and is suitable to use for beverage purposes. “Liquor” includes Heavy Beer, Wine, and a Flavored Malt Beverage. “Liquor” does not include Beer.

- (7) “Off-Premise Retail License” shall mean a license issued by the Paiute Indian Tribe of Utah in accordance with federal law and this Ordinance.
- (8) “Retailer” means a person engaged in the sale or distribution of an alcoholic beverage to a consumer.
- (9) “Sale,” “sell” and “to sell” means a transaction, exchange, or barter whereby, for consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee.
- (10) “Spirituuous liquor” means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. “Spirituuous liquor” is considered Liquor for purposes of this Ordinance.
- (11) “Tribal Council” shall mean the Tribal Council of the Paiute Indian Tribe of Utah, which is the supreme governing body of the Paiute Indian Tribe of Utah.
- (12) “Tribal Land(s)” shall mean and reference the geographic area that includes all land included within the definition of “Indian country” as established and described by federal law and that is under the jurisdiction of the Paiute Indian Tribe of Utah, including all tribally and Band owned trust lands located within same as are now in existence or may hereafter be added to.
- (13) “Tribal Law” means the Constitution of the Paiute Indian Tribe of Utah and all laws, ordinances, codes, resolutions, and regulations now and hereafter duly enacted by the Tribe.
- (14) “Tribe” shall mean the Paiute Indian Tribe of Utah. For the purposes of any approval or final action under this Ordinance by the Tribe, unless specified as an action by the Tribal Council, actions taken by the “Tribe” shall be by the Tribal Administrator under authority delegated to that position by the Paiute Indian Tribe of Utah Tribal Council.
- (15) “Wine” means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substances, whether or not another ingredient is added. “Wine” includes hard cider and is considered Liquor for purposes of this Ordinance.

19.04 JURISDICTION AND LAWS

19.04.01

This Ordinance will be applied, enforced, and interpreted in conformity with the laws of the State of Utah only to the extent required by 18 U.S.C. § 1161. To the extent permitted by applicable law, the Paiute Indian Tribe of Utah asserts jurisdiction to determine whether service and sale of Alcoholic Beverages is authorized within the exterior boundaries of the reservation belonging to the Paiute Indian Tribe of Utah and on the lands belonging to the Bands that collectively comprise the Paiute Indian Tribe of Utah.

19.04.02 RELATION TO OTHER LAWS

All prior codes, ordinances, resolutions and motions of the Paiute Indian Tribe of Utah authorizing, prohibiting, or in any way dealing with the sale or service of Alcoholic Beverages are hereby repealed and are of no further force or effect to the extent they are inconsistent or conflict with the provisions of this Ordinance. No Tribal business licensing law or other Tribal Law shall be applied in a manner inconsistent with the provisions of this Ordinance.

19.06 COMPUTATION OF TIME

Unless otherwise provided in this Ordinance, in computing the period of time prescribed or allowed by this Ordinance, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday. For the purposes of this Ordinance, the term “legal holiday” shall mean all legal holidays under Tribal or federal law. Service via mail is effective upon receipt. A recipient of a mailed document will be deemed to have received the document within seven (7) days of the postmarked date, unless the recipient shows good cause for not receiving it.

19.07 AUTHORIZATION AND PROHIBITIONS

19.07.01 AUTHORIZED SALE OF LIQUOR

No person or entity shall sell Alcoholic Beverages within the exterior boundaries of the Paiute Indian Tribe of Utah Reservation and on lands owned by the Bands that collectively comprise the Paiute Indian Tribe of Utah, without the prior authorization of the Tribe, as set forth in this Ordinance. The Tribe shall not authorize the sale of Alcoholic Beverages on the lands of any of the Bands collectively comprising the Paiute Indian Tribe of Utah without the express written request of the affected Band by duly adopted Band Resolution.

19.07.01 PROHIBITIONS

- (1) General Prohibitions. The unauthorized sale and/or service of Alcoholic Beverages is prohibited within the exterior boundaries of the reservation belonging to the Paiute Indian Tribe of Utah and on the lands belonging to the Bands that collectively comprise the Paiute Indian Tribe of Utah and is hereby declared an offense under Tribal Law. Federal liquor laws applicable to Indian country shall remain applicable to any person, act or transaction which is not authorized by this Ordinance and violators of this Ordinance shall be subject to federal prosecution as well as to legal action in accordance with the law of the Paiute Indian Tribe of Utah.
- (2) Age Restrictions. No person shall be authorized to sell or serve an Alcoholic Beverage within the exterior boundaries of the reservation belonging to the Paiute Indian Tribe of Utah and on the lands belonging to the Bands that collectively comprise the Paiute Indian Tribes of Utah unless he or she is at least twenty-one (21) years of age. No person may be served Liquor within the Paiute Indian Tribe of Utah within the exterior boundaries of the Paiute Indian Tribe of Utah Reservation and on lands owned by the Bands that collectively comprise the Paiute Indian Tribe of Utah unless he or she is at least twenty-one (21) years of age. Any person violating this Section shall be guilty of a separate violation of this Ordinance for each and every drink served.
- (3) No Credit Liquor Sales. The sale of Liquor authorized by this Ordinance shall be by cash, credit card, or check at the time of the sale.

19.08 LICENSING

19.08.01 LICENSING IN GENERAL

The Paiute Indian Tribe of Utah will issue licenses in conformity with the laws of the State of Utah to the extent required by 18 U.S.C. § 1161. The Tribe shall have the authority to issue, suspend and revoke Retail Licenses. All licenses will be issued in accordance with applicable federal and Tribal Laws, including this Ordinance and 18 U.S.C. § 1161.

19.08.02 OFF-PREMISE RETAIL LICENSES

As set forth in this Ordinance and in conformity with the laws of the State of Utah to the extent required by 18 U.S.C. § 1161, the Tribal Council, or its designee, shall have the authority to issue, suspend, and revoke Off-Premise Alcoholic Beverage Retail Licenses. An Off-Premise Alcoholic Beverage Retail License shall entitle the Licensee to sell Beer on the licensed premises in original containers, of a size not to exceed two liters, for consumption off the premises.

(1) Eligibility. Only applicants operating on Tribal Lands shall be eligible to receive an Off-Premise Retail License issued by the Tribe.

(2) Application for an Off-Premise Alcoholic Beverages Retail License.

A. Application Process. Applicants meeting the eligibility requirements of this Ordinance, as well as applicable federal and/or Tribal Law and in conformity with the laws of the State of Utah to the extent required by 18 U.S.C. § 1161, must apply to the Tribe for an Off-Premise Alcoholic Beverages Retail License. The applicant shall file a written application with the Tribe, in a form approved by the Tribal Council. The application shall be accompanied by a nonrefundable application fee, as set by the Tribal Council, and such other information and/or documentation as the Tribal Council may require.

B. Action on the Application. The Tribe shall have the authority to deny, approve, or approve with conditions, an application for an Off-Premise Alcoholic Beverages Retail License or for the renewal of such license, consistent with the laws of the Tribe and with this Ordinance.

C. Denial of License or Renewal. An application may be denied for one or more of the following reasons.

- a. The applicant has materially misrepresented facts contained in the application;
- b. The applicant is presently not in compliance with this Ordinance or other Tribal or federal law or not in conformity with the laws of the State of Utah to the extent required by 18 U.S.C. § 1161;
- c. The applicant has failed to complete the application properly, has failed to provide required information and/or documentation, and/or has failed to tender the appropriate fee;
- d. The Tribe finds that granting the license (or renewal thereof) would create a threat to the peace, safety, morals, health or welfare of the Tribe, and/or is otherwise not in the best interest of the Tribe or Tribal members.
- e. The Tribal Council may reasonably, at its discretion, deny a license.

- f. Temporary Denial. If the application is denied solely on the basis of Section 10-B-3(c), the Tribe shall, within fifteen (15) days of receipt of the application, issue a written notice of temporary denial to the applicant. Such notice shall set forth the reasons for denial and shall state that the denial will become permanent if the problem(s) is not corrected within fifteen (15) days following receipt of the notice.
 - D. Cure. If an applicant is denied a license, the applicant shall be informed of the reason for denial and the applicant may cure the deficiency and resubmit the application for consideration. Each re-submission will be treated as a new application for license or renewal of a license.
 - E. Investigation. Upon receipt of an application for the issuance or renewal of a Retail License, the Tribe will conduct an investigation to determine whether the applicant and the premises for which a license is applied qualify for a license and whether the provisions of this Ordinance have been complied with.
 - F. Term and Renewal of License. Each Retail License will expire on December 31 of the calendar year and must be renewed annually, in compliance with this Ordinance and any rules and/or regulations hereafter adopted by the Tribe. The applicant shall renew a license by not less than sixty (60) days prior to the expiration of the license, submitting a renewal application to the Tribe on the approved form.
 - G. Posting of License. The Licensee shall post and keep posted its Off- Premise Beer/Liquor/Spirit Retail License on the licensed premises.
 - H. Prohibited Actions. It shall be unlawful for any person to sell Beer for off-premises consumption without first having obtained an Off-Premise Alcoholic Beverages Retail License Retail License from the Tribe. It shall also be unlawful for an Off-Premise Alcoholic Beverage Retail Licensee to permit the consumption of Beer or other Alcoholic Beverages on the licensed premises without prior, express, and written authorization from the Tribe.
 - I. No Employment of Minors. The Licensee shall not employ any person at the licensed premises at which Beer is sold unless the person to be employed is at least eighteen (18) years of age.
 - J. Alcohol Training and Education. The Tribe shall require the Licensee of an Off-Premise Alcoholic Beverage Retail License to meet the equivalency of the requirements of Utah state law regarding alcohol training and education for off-premise consumption. Retail managers and staff must complete an alcohol training and education seminar equivalent to Eliminate Alcohol Sales to Youth (E.A.S.Y.) training within thirty (30) days of the date of hire. Managers will also undergo “Mangers Training” consistent with applicable law.
- (3) Separation of Alcoholic Beverages from Non-Alcoholic Beverages. Consistent with 18 U.S.C. § 1161, an Off-Premise Alcoholic Beverage Retailer must display Beer products in an area that is visibly separate and distinct from the area where non-alcoholic beverages are displayed and should not be adjacent to a display of non-alcoholic beverages unless the location of the alcoholic

beverages is a cooler with a door preventing access from where the non-alcoholic beverages are located or the alcoholic beverages are separated from the display of non-alcoholic beverages by a display of one or more non-beverage products or another physical divider, as required by Utah state law.

- (4) Required Signage. Consistent with 18 U.S.C. § 1161, a Licensee holding an Off-Premises Alcoholic Beverage Retail License shall conform with the sign requirements of the laws of the State of Utah as identified at Utah Code § 32B-7-202.
- (5) Tribe's Right to Inspect. The Tribe shall have the right to inspect the licensed premises during regular business hours for the purpose of ensuring the Licensee's compliance with all provisions of this Ordinance and other applicable law.

19.11 PENALTIES AND FEES

19.11.01 PENALTIES

Any person or entity found to be in violation of this Ordinance, including any lawful rule or regulation promulgated pursuant thereto, and/or other applicable federal or Tribal Law, shall be subject to penalties, including, but not limited to, suspension or revocation of the license by the Tribal Council. Violations shall be subject to a civil fine of not more than Five Hundred Dollars (\$500.00) for each such violation. After providing written notice to the licensee of a public hearing, and after a public hearing to be heard by an impartial official and upon development of the Tribal Court, to be heard by the Tribal Court, the Tribal Official or the Tribal Court may set a schedule of fines for each violation, taking into account the severity of the offense and threat, the violation may pose to the general health and welfare. Such schedule may also provide for the imposition of increased monetary penalties for repeated violations. The civil penalties provided for in this section shall be in addition to any criminal penalties that may be imposed under applicable law or penalties for violations of the laws of the State of Utah to the extent required by 18 U.S.C. § 1161.

19.11.02 COLLECTION OF APPLICABLE FEES, AND/OR FINES

The Tribe shall have the authority to collect all applicable and lawful fees, and/or fines from person or Licensee as imposed under this Ordinance.

19.12.01 REQUEST FOR RECONSIDERATION

Any person or entity may request reconsideration of the Tribe's decision to deny an application, approve an application with conditions, deny a request for renewal, or revoke a license by formally submitting a written request for reconsideration to the Tribal Council. The Tribal Council shall respond to any such request for reconsideration within fifteen (15) days. The applicant shall have the right to present witnesses to testify and to present written documents in support of his or her position. The Tribal Council shall render its decision within sixty (60) days after the date of the hearing. The decision of the Tribal Council shall be final.

19.13. MISCELLANEOUS PROVISIONS

19.13.01 SOVEREIGN IMMUNITY PRESERVED

Nothing in this Ordinance is intended as or shall be construed as a waiver of the sovereign immunity of the Tribe or any of its five constituent Bands, Koosharem, Kanosh, Cedar, Indian Peaks, or Shivwits Bands.

19.13.02 LIBERAL CONSTRUCTION

The provisions of this Ordinance shall be liberally construed to achieve the purposes set forth, whether clearly stated or apparent from the context of the language used herein.

19.13.03 SEVERABILITY

If any provision or provisions of this Ordinance is/are held invalid by a court of competent jurisdiction, this Ordinance shall continue in effect as if the invalid provision(s) was/were not a part hereof.

19.13.04 EFFECTIVE DATE

This Ordinance shall be effective following approval by the Paiute Indian Tribe of Utah Tribal Council and approval by the Secretary of the Interior or his/her designee and publication in the Federal Register as provided by federal law.

19.14 HISTORY OF TITLE

Tribal Council passed the ABC Ordinance on May 4, 2026. On August 3, 2026, Tribal Council authorized the numbering and formatting of this Title.

ENACTMENT

BE IT ORDAINED BY THE TRIBAL COUNCIL OF THE PAIUTE INDIAN TRIBE OF UTAH: That this Alcoholic Beverage Control Ordinance of the Paiute Indian Tribe of Utah was fully considered by the Tribal Council and was passed by the quorum of the Tribal Council by a vote of 4 in favor, 0 opposed, 0 abstained, 1 absent this 4th day of May 2026.



Laurel Yellowhorse (Oct 8, 2026 09:16:58 MDT)

Laurel Yellowhorse, Chairperson

ATTEST:



Latanya Joe (Oct 8, 2026 11:42:28 MDT)

Latanya Joe, Tribal Council Secretary