

SB 167, ALCOHOLIC BEVERAGE CONTROL ACT (2010 G.S.) SUMMARY INFORMATION

SUMMARY TABLE: Old Title 32A → New Title 32B

The following summarizes how sections of Title 32A, Alcoholic Beverage Control Act, in effect on July 1, 2009, are addressed in Title 32B, Alcoholic Beverage Control Act, which takes effect July 1, 2011. The table summarizes S.B. 167 as passed by the Legislature, including amendments made during the 2010 General Session, and supersedes previous summaries. Because some Title 32A sections are distributed into multiple Title 32B sections, the table only lists a section in Title 32B into which a significant portion of an old section is incorporated. This is not a comprehensive analysis of the recodification. The summary does not highlight when new language is added nor address actions outside of Title 32B.

Title 32A Cite	Title 32B Cite	Selected Comments
CHAPTER 1 - GENERAL PROVISIONS		
Part 1 - Administration		
32A-1-101. Short title.	32B-1-101	
32A-1-102. Application of title-Severability.	32B-1-104 32B-1-204	
32A-1-103. Exercise of police powers.	32B-1-104	
32A-1-104. Policy.	32B-1-103	
32A-1-105. Definitions.	32B-1-102	
32A-1-106. Alcoholic Beverage Control Commission-Membership-Oaths and bond-Per diem-Offices-Removal-Meetings.	32B-2-201	<ul style="list-style-type: none"> Requirement that commissioners post a bond removed
32A-1-107. Powers and duties of the commission.	32B-2-202 32B-2-204 32B-3-204 32B-3-205 32B-5-205	<ul style="list-style-type: none"> Liquor merchandise inventory control reference transferred to the powers and duties of department
32A-1-108. Director of alcoholic beverage control.	32B-2-205	
32A-1-109. Powers and duties of the director.	32B-2-206	
32A-1-110. Department of Alcoholic Beverage Control-Created-Organization.	32B-2-203	
32A-1-111. Department employees-Requirements.	32B-1-303 32B-2-207	
32A-1-112. Services of State Health Laboratory.	32B-2-208	
32A-1-113. Department expenditures and revenues-Liquor Control Fund-Exempt from Division of Finance-Annual audits.	32B-2-301 32B-2-302 32B-3-206	
32A-1-114. Repealed.	-	
32A-1-115. Alcoholic Beverage Enforcement and Treatment Restricted Account-Distribution.	Chapter 2, Part 4	
32A-1-116. Purchase of liquor.	32B-2-303	
32A-1-117. Department may sue and be sued.	32B-2-204	
32A-1-118. Liability insurance-Governmental immunity.	32B-2-204	
32A-1-119. Disciplinary proceedings-Procedure.	32B-3-102 32B-3-201 32B-3-203 32B-3-204 32B-3-205	
32A-1-119.5. Timing of reporting violations.	32B-1-102 32B-3-202	
32A-1-120. Judicial review-Enforcement.	32B-3-207	
32A-1-121. Reports.	32B-2-204	
32A-1-122. Liquor prices-School lunch program.	32B-2-304	
32A-1-123. Licensee compliance with other laws.	32B-1-203	
32A-1-124. Repealed.	-	
Part 2 - Citizens' Council 32A-1-201 to 32A-1-205. Previously Repealed	-	
Part 3 - Proof of Age		
32A-1-301. Unlawful transfer or use of proof of age-False information.	32B-1-403	
32A-1-302. Presentation of proof of age upon request.	32B-1-404	

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<i>Title 32A Cite</i>	<i>Title 32B Cite</i>	<i>Selected Comments</i>
32A-1-303. Additional requirements when age is in question.	32B-1-405	
32A-1-304. Acceptance of identification-Evidence.	32B-1-406 32B-1-408	
32A-1-304.5. Verification of proof of age by certain club licensees.	32B-1-402 32B-1-407	
32A-1-305. Penalty.	32B-1-408	
Part 4 - Alcohol Training and Education		
32A-1-401. Alcohol training and education-Revocation, suspension, or nonrenewal of licenses.	32B-5-403	
Part 5 - Department Trade Shows 32A-1-501 to 32A-1-504. Previously Repealed	-	
Part 6 - Attire, Conduct, and Entertainment Act		
32A-1-601. Title-Purpose-Application to other laws.	32B-1-501 32B-1-502	
32A-1-602. General restrictions on attire and conduct.	32B-1-504	
32A-1-603. Sexually oriented entertainer.	32B-1-505	
32A-1-604. Compliance-Disciplinary proceeding.	32B-1-506	
Part 7 - Criminal Background Check Act		
32A-1-701. Title.	32B-1-301	
32A-1-702. Requirement for a criminal background check.	32B-1-305	
32A-1-703. Use of information from a criminal background check.	32B-1-306	
32A-1-704. Criminal background check procedure.	32B-1-307	
Part 8 - Malted Beverages Act		
32A-1-801. Title.	32B-1-601	
32A-1-802. Definitions.	32B-1-602	
32A-1-803. Power of the commission and department to classify flavored malt beverages.	32B-1-603	
32A-1-804. Requirements for labeling and packaging-Authority of the commission and department.	32B-1-604	
32A-1-805. General procedure for approval.	32B-1-605	
32A-1-806. Special procedure for flavored malt beverages.	32B-1-606	
32A-1-807. Rulemaking authority.	32B-1-607	
32A-1-808. Disciplinary proceeding for violation.	32B-1-608	
32A-1-809. Transition protections.	Repealed	• Old transition language removed
CHAPTER 2 - STATE STORES		
32A-2-101. Commission's power to establish state stores-Limitations.	32B-1-201 (G) 32B-1-202 (G) 32B-2-501	
32A-2-102. State store-Commission and department duties before establishing.	32B-2-502	
32A-2-103. Operational restrictions.	32B-2-503	
32A-2-104. Delivery of liquor to state stores.	32B-2-504	
CHAPTER 3 - PACKAGE AGENCIES		
32A-3-101. Commission's power to establish package agencies-Limitations.	32B-1-201 (G) 32B-1-202 (G) 32B-2-601 32B-2-605	
32A-3-102. Application requirements.	32B-2-602	
32A-3-103. Qualifications.	32B-1-304 (G)	
32A-3-104. Commission and department duties before establishing.	32B-2-603	
32A-3-105. Bond.	32B-2-604	
32A-3-106. Operational restrictions.	32B-2-605	
32A-3-107. Delivery of liquor to package agencies.	32B-2-606	

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Title 32A Cite	Title 32B Cite	Selected Comments
32A-3-108. Return of inventory.	32B-2-607	
CHAPTER 4 - PUBLIC LIQUOR LICENSES Part 1 - Restaurant Liquor Licenses		
32A-4-101. Commission's power to grant licenses-Limitations.	32B-1-201 (G) 32B-1-202 (G) 32B-5-206 (G) 32B-6-203	
32A-4-102. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-6-204	
32A-4-103. Qualifications.	32B-1-304 (G) 32B-5-201 (G)	
32A-4-104. Commission and department duties before granting licenses.	32B-5-203 (G)	
32A-4-105. Bond.	32B-5-204 (G) 32B-6-204	
32A-4-106. Operational restrictions.	Chapter 5, Part 3 (G) 32B-6-205 32B-6-205.1	
32A-4-107. Repealed.	-	
Part 2 - Airport Lounge Liquor Licenses		
32A-4-201. Commission's power to grant licenses-Limitations.	32B-1-201 (G) 32B-1-202 (G) 32B-6-503	
32A-4-202. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-6-504	
32A-4-203. Qualifications.	32B-1-304 (G) 32B-5-201 (G)	
32A-4-204. Commission and department duties before granting licenses.	32B-5-203 (G)	
32A-4-205. Bond.	32B-5-204 (G) 32B-6-504	
32A-4-206. Operational restrictions.	Chapter 5, Part 3 (G) 32B-6-505	
32A-4-207. Repealed.	-	
Part 3 - Limited Restaurant Licenses		
32A-4-301. Definitions.	32B-6-302	
32A-4-302. Commission's power to grant licenses-Limitations.	32B-1-201 (G) 32B-1-202 (G) 32B-5-206 (G) 32B-6-303	
32A-4-303. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-6-304	
32A-4-304. Qualifications.	32B-1-304 (G) 32B-5-201 (G)	
32A-4-305. Commission and department duties before granting licenses.	32B-5-203 (G)	
32A-4-306. Bond.	32B-5-204 (G) 32B-6-304	
32A-4-307. Operational restrictions.	Chapter 5, Part 3 (G) 32B-6-305 32B-6-305.1	

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Title 32A Cite	Title 32B Cite	Selected Comments
Part 4 - On-Premise Banquet License		
32A-4-401. Definitions-Commission's power to grant licenses-Limitations.	32B-1-102 32B-1-201 (G) 32B-1-202 (G) 32B-6-603	
32A-4-402. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-6-604	
32A-4-403. Qualifications.	32B-1-304 (G) 32B-5-201 (G)	
32A-4-404. Commission and department duties before granting licenses.	32B-5-203 (G)	
32A-4-405. Bond.	32B-5-204 (G) 32B-6-604	
32A-4-406. Operational restrictions.	Chapter 5, Part 3 (G) 32B-6-605	
32A-4-407. Repealed.	-	
CHAPTER 4a - RESORT LICENSES Part 1 - General Provisions		
32A-4a-101. Title.	32B-8-101	
32A-4a-102. Definitions.	32B-8-102	
Part 2 - Licensing		
32A-4a-201. Commission's power to license a resort-Limitations.	32B-1-202 (G) 32B-8-201	
32A-4a-202. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-8-202	
32A-4a-203. Qualifications.	32B-1-304 (G) 32B-5-201 (G) 32B-8-203	
32A-4a-204. Commission and department duties before granting resort license.	32B-5-203 (G) 32B-8-204	
32A-4a-205. Bond.	32B-5-204 (G)	
Part 3 - Resort Spa Sublicense		
32A-4a-301. Commission's power to grant resort spa sublicense-Limitations.	32B-8-301	
32A-4a-302. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-8-302	
32A-4a-303. Qualifications.	32B-1-304 (G) 32B-5-201 (G) 32B-8-303	
32A-4a-304. Commission and department duties before granting a resort spa sublicense.	32B-5-203 (G)	
32A-4a-305. Operational restrictions.	Chapter 5, Part 3 (G) 32B-8-304	
Part 4 - Operational Requirements		
32A-4a-401. Operational restrictions for resort license.	Chapter 5, Part 3 (G) 32B-8-401	
32A-4a-402. Operational restrictions for a sublicense.	32B-8-402	
Part 5 - Enforcement		
32A-4a-501. Enforcement of qualifications for a resort license or sublicense.	32B-8-501	
32A-4a-502. Enforcement of operational restrictions for a resort license or sublicense.	32B-8-502	
32A-4a-503. Enforcement of Nuisance Licensee Act.	32B-8-503	

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Title 32A Cite	Title 32B Cite	Selected Comments
CHAPTER 5 - CLUB LICENSES		
32A-5-101. Commission's power to license clubs-Limitations.	32B-1-201 (G) 32B-1-202 (G) 32B-5-206(G) 32B-6-403 32B-6-404	
32A-5-102. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-6-405 32B-6-407	
32A-5-103. Qualifications.	32B-1-304 (G) 32B-5-201 (G)	
32A-5-104. Commission and department duties before granting licenses.	32B-5-203 (G)	
32A-5-105. Repealed.	-	
32A-5-106. Bond.	32B-5-204 (G) 32B-6-405	
32A-5-107. Operational restrictions.	Chapter 5, Part 3 (G) 32B-6-406 32B-6-406.1 32B-6-407	
32A-5-108. Repealed.	-	
32A-5-109. Transition in types of clubs.	Repealed	• Old transition language removed
32A-5-110. Information obtained by investigator.	32B-1-102 32B-6-408	
CHAPTER 6 - SPECIAL USE PERMITS Part 1 - General Provisions		
32A-6-101. Commission's power to issue permits-Limitations.	32B-10-201(G) 32B-10-206 (G)	
32A-6-102. Application and renewal requirements.	32B-10-202 (G) 32B-10-203 (G) 32B-10-207 (G)	
32A-6-103. Qualifications.	32B-1-304 (G) 32B-10-202 (G)	
32A-6-104. Duties of commission and department before issuing permits.	32B-10-204 (G)	
32A-6-105. Operational restrictions.	32B-10-206 (G)	
Part 2 - Public Service Permits		
32A-6-201. Application and renewal requirements.	32B-10-202 (G) 32B-10-203 (G) 32B-10-303	
32A-6-202. Operational restrictions.	32B-10-206 (G) 32B-10-304	
Part 3 - Industrial or Manufacturing Use Permits		
32A-6-301. Application requirements.	32B-10-202 (G) 32B-10-403	
32A-6-302. Operational restrictions.	32B-10-206 (G) 32B-10-404	
Part 4 - Scientific or Educational Use Permits		
32A-6-401. Application requirements.	32B-10-202 (G) 32B-10-503	
Part 5 - Religious Wine Permits		
32A-6-501. Operational restrictions.	32B-10-206 (G) 32B-10-604	
32A-6-502. Church or religious organization exemption.	32B-10-605	

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<i>Title 32A Cite</i>	<i>Title 32B Cite</i>	<i>Selected Comments</i>
32A-6-503. Application requirements.	32B-10-202 (G) 32B-10-603	
Part 6 - Health Care Facilities and Professions		
32A-6-601. Licensed health care facility exemption.	32B-10-703	
32A-6-602. Health professions exemption.	32B-10-704	
32A-6-603. Application requirements.	Repealed	• Permit process not used
CHAPTER 7 - SINGLE EVENT PERMITS		
32A-7-101. Commission's power to issue permits-Limitations.	32B-9-303	
32A-7-102. Application requirements.	32B-9-201 (G) 32B-9-304	
32A-7-103. Qualifications.	32B-1-304 (G)	
32A-7-104. Commission and department duties before granting permits.	32B-9-202 (G)	
32A-7-105. Bond.	32B-9-203 (G) 32B-9-304	
32A-7-106. Operational restrictions.	32B-9-204 (G) 32B-9-305	• Provisions for setting a maximum price and displaying operational requirements removed
CHAPTER 8 - MANUFACTURING LICENSES		
Part 1 - General Provisions		
32A-8-101. Commission's power to grant licenses-Limitations.	32B-11-201 32B-11-202	
32A-8-102. Application and renewal requirements.	32B-11-203 (G) 32B-11-204 (G) 32B-11-209 (G)	
32A-8-103. Qualifications.	32B-1-304 (G) 32B-11-205 (G)	
32A-8-104. Duties of commission and department before issuing licenses.	32B-11-206 (G)	
32A-8-105. Bond.	32B-11-207 (G)	
32A-8-106. Operational restrictions.	32B-11-208 (G)	
Part 2 - Winery Licenses		
32A-8-201. Authority and operational restrictions.	32B-11-303	
Part 3 - Distillery Licenses		
32A-8-301. Distillery license-Specific authority and restrictions.	32B-11-403	
Part 4 - Brewery Licenses		
32A-8-401. Authority and operational restrictions.	32B-11-503	
Part 5 - Local Industry Representative Licenses		
32A-8-501. Commission's power to grant licenses.	32B-11-603	
32A-8-502. Application and renewal requirements.	32B-11-604 32B-11-605 32B-11-609	
32A-8-503. Qualifications.	32B-1-304 (G) 32B-11-606	
32A-8-504. Commission and department duties before granting licenses, and in issuing licenses.	32B-11-607	
32A-8-505. Operational restrictions.	32B-11-608	
CHAPTER 9 - LIQUOR WAREHOUSING LICENSES		
32A-9-101. Commission's power to issue licenses.	32B-12-201 32B-12-301	
32A-9-102. Application and renewal requirements.	32B-12-202 32B-12-203 32B-12-302	

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<i>Title 32A Cite</i>	<i>Title 32B Cite</i>	<i>Selected Comments</i>
32A-9-103. Qualifications.	32B-1-304 (G) 32B-12-204	
32A-9-104. Duties of commission and department before issuing licenses.	32B-12-205	
32A-9-105. Bond.	32B-12-206	
32A-9-106. Operational restrictions.	32B-12-301	
CHAPTER 10 - BEER RETAILER LICENSES		
Part 1 - General Provisions		
32A-10-101. State and local licensing-Limitations.	32B-6-703 32B-6-704 32B-6-706 32B-7-201 32B-9-404 32B-9-406	
32A-10-102. General restrictions.	32B-1-304 (G) 32B-6-706 32B-7-202	
32A-10-103. Alcohol training and education for off-premise consumption-Requirements on off-premise beer retailer licensees-Penalties related to sales to minors-Hearings-Tracking.	32B-7-202 Chapter 7, Part 3	
Part 2 - On-Premise Beer Retailer Licenses		
32A-10-201. Commission's power to grant licenses-Limitations.	32B-1-201 (G) 32B-1-202 (G) 32B-5-206 (G) 32B-6-703	
32A-10-202. Application and renewal requirements.	32B-5-201 (G) 32B-5-202 (G) 32B-5-310 (G) 32B-6-705	
32A-10-203. Qualifications.	32B-1-304 (G)	
32A-10-204. Commission and department duties before granting licenses.	32B-5-203 (G)	
32A-10-205. Bond.	32B-5-204 (G) 32B-6-705	
32A-10-206. Operational restrictions.	Chapter 5, Part 3 (G) 32B-6-706 32B-6-707	<ul style="list-style-type: none"> References in retail licensing chapters referring to the operational requirements of this part are consolidated into 32B-6-707
32A-10-207. Information gathered by an investigator.	32B-1-102 32B-6-708	
Part 3 - Temporary Special Event Beer Permits		
32A-10-301. Commission's power to grant temporary special event beer permits-Limitations.	32B-9-403	
32A-10-302. Application requirements.	32B-9-201 (G) 32B-9-405	
32A-10-303. Qualifications.	32B-1-304 (G)	
32A-10-304. Commission and department duties before granting permits.	32B-9-202 (G)	
32A-10-305. Bond.	32B-9-203 (G) 32B-9-405	
32A-10-306. Operational restrictions.	32B-9-204 (G) 32B-9-406	
CHAPTER 11 - BEER WHOLESALING LICENSES		
32A-11-101. Commission's power to issue licenses.	32B-13-201 32B-13-301	
32A-11-102. Application and renewal requirements.	32B-13-202 32B-13-203 32B-13-302	<ul style="list-style-type: none"> Provisions related to annual renewal fee removed as redundant
32A-11-103. Qualifications.	32B-1-304 (G) 32B-13-204	

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32A-11-104. Commission and department duties before issuing licenses.	32B-13-205	
32A-11-105. Bond.	32B-13-206	
32A-11-106. Operational restrictions.	32B-13-301	
CHAPTER 11a - UTAH BEER INDUSTRY DISTRIBUTION ACT		
32A-11a-101. Title-Legislative intent.	32B-14-101	
32A-11a-102. Definitions.	32B-14-102	
32A-11a-103. Termination of distributorship agreements.	32B-14-201	
32A-11a-104. Notice of termination.	32B-14-202	
32A-11a-105. Prohibited conduct of supplier.	32B-14-302	
32A-11a-106. Prohibited conduct of wholesaler.	32B-14-303	
32A-11a-107. Sale or transfer of business assets or ownership.	32B-14-304	
32A-11a-108. Reasonable compensation-Arbitration.	32B-14-401	
32A-11a-109. Sale or transfer of supplier's business.	32B-14-305	
32A-11a-110. Judicial remedies.	32B-14-402	
32A-11a-111. Modifying statutory requirements not permitted.	32B-14-103	
CHAPTER 12 - CRIMINAL OFFENSES Part 1 - General Provisions		
32A-12-101. Applicability of Utah Criminal Code.	32B-4-301	
32A-12-102. Special burdens of proof-Inferences and presumptions.	32B-4-303	
32A-12-103. Criminal responsibility for conduct of another.	32B-4-302	
32A-12-104. Violation of title a misdemeanor.	32B-4-304	
32A-12-105. Additional criminal penalties.	32B-4-305	
Part 2 - Sale, Purchase, Possession, and Consumption		
32A-12-201. Unlawful sale or furnishing.	32B-4-401	
32A-12-202. Unauthorized sale or supply.	32B-4-402	
32A-12-203. Unlawful sale or furnishing to minors.	32B-4-403	
32A-12-204. Unlawful sale or furnishing to intoxicated persons.	32B-4-404	
32A-12-205. Unlawful sale or supply to interdicted persons.	32B-4-405	
32A-12-206. Unlawful sale or supply of beer.	32B-4-406	
32A-12-207. Unlawful sale or furnishing during emergency.	32B-4-407	
32A-12-208. Unlawful purchase or acceptance.	32B-4-408	
32A-12-209. Unlawful purchase, possession, consumption by minors-Measurable amounts in body.	32B-4-409	
32A-12-209.5. Unlawful admittance or attempt to gain admittance by minor.	32B-4-410	
32A-12-210. Unlawful purchase by intoxicated persons.	32B-4-412	
32A-12-211. Unlawful purchase by interdicted persons.	32B-4-413	
32A-12-212. Unlawful possession-Exceptions.	32B-4-414	
32A-12-213. Unlawful bringing onto premises for consumption.	32B-4-415	
32A-12-214. Unlawful possession by licensees or permittees.	32B-4-417	
32A-12-215. Unlawful storage.	32B-4-418	
32A-12-216. Unlawful permitting of intoxication.	32B-4-419	
32A-12-217. Unlawful permitting of consumption by minors.	32B-4-416	
32A-12-218. Repealed.	-	
32A-12-219. Unlawful adulteration -- Licensing tampering.	32B-4-420	
32A-12-220. Unlawful consumption in public places.	32B-4-421	
32A-12-221. Lawful detention.	32B-4-209	
32A-12-222. Unlawful dispensing.	32B-4-422	

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Title 32A Cite	Title 32B Cite	Selected Comments
32A-12-223. Minor's unlawful use of proof of age.	32B-4-411	
Part 3 - Operations		
32A-12-301. Operating without a license or permit	32B-4-501	
32A-12-302. Storing or possessing pursuant to federal stamp.	32B-4-502	
32A-12-303. Tampering with records.	32B-4-503	
32A-12-304. Making false statements.	32B-4-504	
32A-12-305. Obstructing an officer making a search or an official proceeding or investigation.	32B-4-505	
32A-12-306. Conflicting interests.	32B-4-506	
32A-12-307. Interfering with suppliers.	32B-4-507	
32A-12-308. Offering or soliciting bribes or gifts.	32B-4-508	
32A-12-309. Repealed.	-	
32A-12-310. Forgery.	32B-4-509	
Part 4 - Advertising and Soliciting		
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32A-13-105. Fines and forfeitures.	32B-4-206	
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(G) = General licensing or permitting requirement applicable to multiple licensees or permittees.*

* For more detailed information, including summary information on operating requirements for retail licensees and definitions, you may contact Patricia Owen of the Office of Legislative Research and General Counsel.

<i>Title 32A Cite</i>	<i>Title 32B Cite</i>	<i>Selected Comments</i>
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32A-14a-103. Employee protected in exercising judgment.	32B-15-202	
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