
Title 32A, Chapter 7, Single Event Permits

As in effect until July 1, 2011

32A-7-101 (Repealed 07/01/11). Commission's power to issue permits -- Limitations.

(1) The commission may issue a single event permit to any of the following that is conducting a convention, civic, or community enterprise, a bona fide:

- (a) partnership;
- (b) corporation;
- (c) limited liability company;
- (d) church;
- (e) political organization;
- (f) incorporated association;
- (g) recognized subordinate lodge, chapter, or other local unit of an entity described in Subsections (1)(a) through (f);
- (h) state agency; or
- (i) political subdivision of the state including:
 - (i) a county; or
 - (ii) a municipality.

(2) (a) A single event permit may authorize:

(i) the storage, sale, service, and consumption of liquor at an event at which the storage, sale, service, or consumption of liquor is otherwise prohibited by this title for either:

- (A) a time period not to exceed 120 consecutive hours; or
- (B) a time period not to exceed 72 consecutive hours; and

(ii) the storage, sale, service, and consumption of beer at the same event for the period that the storage, sale, service, or consumption of liquor is authorized under Subsection (2)(a)(i) for the single event permit.

(b) The single event permit shall state in writing whether it is for a time period described in Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

(3) The commission may not issue more than:

- (a) four single event permits in any one calendar year to the same person listed in Subsection (1) if one or more of the single event permits is for a time period described in Subsection (2)(a)(i)(A); or
- (b) 12 single event permits in any one calendar year to the same person listed in Subsection (1) if each of the single event permits issued to that person is for a time period described in Subsection (2)(a)(i)(B).

(4) (a) The 600 foot and 200 foot proximity requirements in relation to a community location that are applicable to a state store, package agency, or licensee, do not apply to a single event permit.

(b) Notwithstanding Subsection (4)(a), nothing in this section prevents the commission from considering the proximity of an educational, religious, or recreational facility, or any other relevant factor in deciding whether to issue a single event permit.

(5) For calendar year 2008, the commission shall grant the number of single event permits to the same person described in Subsection (1) that the commission determines is most similar to the restriction in Subsection (3), except in no case may the commission issue more than 12 single event permits to the same person in calendar year 2008.

32A-7-102 (Repealed 07/01/11). Application requirements.

(1) A qualified applicant for a single event permit shall file a written application with the department in a form as the department shall prescribe.

(2) The application shall be accompanied by:

- (a) a single event permit fee of \$100, which is refundable if a single event permit is not issued and shall be returned to the applicant with the application;
- (b) written consent of the local authority;
- (c) a bond as specified by Section 32A-7-105;
- (d) the times, dates, location, estimated attendance, nature, and purpose of the event;
- (e) a description or floor plan designating:
 - (i) the area in which the applicant proposes that alcoholic beverages be stored;
 - (ii) the site from which the applicant proposes that alcoholic beverages be sold or served; and
 - (iii) the area in which the applicant proposes that alcoholic beverages be allowed to be consumed;
- (f) a statement of the purpose of the:
 - (i) partnership;
 - (ii) corporation;
 - (iii) limited liability company;
 - (iv) church;

- (v) political organization;
- (vi) incorporated association; or
- (vii) recognized subordinate lodge, chapter, or other local unit of an entity described in Subsections (2)(f)(i) through (vi);
- (g) a signed consent form stating that authorized representatives of the commission, department, or any law enforcement officers will have unrestricted right to enter the premises during the event;
- (h) proper verification evidencing that the person signing the application is authorized to act on behalf of the:
 - (i) partnership;
 - (ii) corporation;
 - (iii) limited liability company;
 - (iv) church;
 - (v) political organization;
 - (vi) incorporated association;
 - (vii) recognized subordinate lodge, chapter, or local unit of an entity described in Subsections (2)(h)(i) through (vi);
 - (viii) state agency; or
 - (ix) political subdivision of the state including:
 - (A) a county; or
 - (B) a municipality;
- (i) a request for the single event permit to be for a time period:
 - (i) described in Subsection 32A-7-101(2)(a)(i)(A); or
 - (ii) described in Subsection 32A-7-101(2)(a)(i)(B);
- (j) if submitting the first request for single event permit in a calendar year, a request that the single event permit be considered under Subsection 32A-7-101(3)(a) or 32A-7-101(3)(b); and
- (k) any other information as the commission or department may direct.
- (3) An applicant need not meet the requirements of Subsections (2)(a), (b), (c), and (f) if the applicant is:
 - (a) a state agency; or
 - (b) a political subdivision of the state including:
 - (i) a county; or
 - (ii) a municipality.

32A-7-103 (Repealed 07/01/11). Qualifications.

- (1) To qualify for a single event permit, the applicant shall have been in existence as a bona fide organization for at least one year prior to the date of application.
- (2) (a) The commission may not grant a single event permit to any person who has been convicted of:
 - (i) a felony under any federal or state law;
 - (ii) any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages;
 - (iii) any crime involving moral turpitude; or
 - (iv) on two or more occasions within the last five years before the day on which the permit is granted, driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug.
- (b) In the case of a partnership, corporation, or limited liability company the proscription under Subsection (2)(a) applies if any of the following has been convicted of any offense described in Subsection (2)(a):
 - (i) a partner;
 - (ii) a managing agent;
 - (iii) a manager;
 - (iv) an officer;
 - (v) a director;
 - (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of an applicant corporation; or
 - (vii) a member who owns at least 20% of an applicant limited liability company.
- (c) The proscription under Subsection (2)(a) applies if any person employed to act in a supervisory or managerial capacity for the single event permittee has been convicted of any offense described in Subsection (2)(a).
- (3) The commission may immediately suspend or revoke a single event permit if after the day on which the permit is granted, a person described in Subsection (2)(a), (b), or (c):
 - (a) is found to have been convicted of any offense described in Subsection (2)(a) prior to the permit being granted; or
 - (b) on or after the day on which the permit is granted:
 - (i) is convicted of an offense described in Subsection (2)(a)(i), (ii), or (iii); or
 - (ii) (A) is convicted of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug; and
 - (B) was convicted of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug within five years before the day on which the person is convicted of the offense described in Subsection (3)(b)(ii)(A).

- (4) The director may take emergency action by immediately revoking the permit according to the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, if a person described in Subsection (2)(a), (b), or (c):
- (a) is arrested on a charge for an offense described in Subsection (2)(a)(i), (ii), or (iii); or
 - (b) (i) is arrested on a charge for the offense of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug; and
 - (ii) was convicted of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug within five years before the day on which the person is arrested on a charge described in Subsection (4)(b)(i).
- (5) (a) (i) The commission may not grant a single event permit to any person who has had any type of license, agency, or permit issued under this title revoked within the last three years.
- (ii) The commission may not grant a single event permit to any applicant that is a partnership, corporation, or limited liability company if any partner, managing agent, manager, officer, director, stockholder who holds at least 20% of the total issued and outstanding stock of the applicant corporation, or member who owns at least 20% of the applicant limited liability company is or was:
 - (A) a partner or managing agent of any partnership that had any type of license, agency, or permit issued under this title revoked within the last three years;
 - (B) a managing agent, officer, director, or stockholder who holds or held at least 20% of the total issued and outstanding stock of any corporation that had any type of license, agency, or permit issued under this title revoked within the last three years; or
 - (C) a manager or member who owns or owned at least 20% of any limited liability company that had a liquor license, agency, or permit revoked within the last three years.
 - (b) An applicant that is a partnership, corporation, or limited liability company may not be granted a permit if any of the following had any type of license, agency, or permit issued under this title revoked while acting in that person's individual capacity within the last three years:
 - (i) any partner or managing agent of the applicant partnership;
 - (ii) any managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant corporation; or
 - (iii) any manager or member who owns at least 20% of the applicant limited liability company.
- (6) (a) A minor may not be:
 - (i) granted a single event permit; or
 - (ii) employed by a single event permittee to handle alcoholic beverages.
 (b) The commission may not grant a single event permit to an applicant that is a partnership, corporation, or limited liability company if any of the following is a minor:
 - (i) a partner or managing agent of the applicant partnership;
 - (ii) a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant corporation; or
 - (iii) a manager or member who owns at least 20% of the applicant limited liability company.
- (7) If a person to whom a permit has been issued under this chapter no longer possesses the qualifications required by this title for obtaining that permit, the commission may suspend or revoke that permit.

32A-7-104 (Repealed 07/01/11). Commission and department duties before granting permits.

- (1) (a) Before any single event permit may be granted by the commission, the department shall:
 - (i) conduct an investigation;
 - (ii) gather information; and
 - (iii) make recommendations to the commission as to whether or not a permit should be granted.
 (b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.
- (2) Before granting any single event permit, the commission shall:
 - (a) determine that the applicant has complied with all basic qualifications and requirements as provided by Sections 32A-7-102 and 32A-7-103;
 - (b) determine that the application is complete;
 - (c) consider the purpose of the organization or its local lodge, chapter, or other local unit;
 - (d) consider the times, dates, location, estimated attendance, nature, and purpose of the event;
 - (e) to minimize the risk of minors being sold or furnished alcohol or adults being overserved alcohol at the event, assess the adequacy of control measures for:
 - (i) a large-scale public event where the estimated attendance is in excess of 1,000 people; or
 - (ii) for an outdoor public event; and
 - (f) consider any other factors or circumstances the commission considers necessary.
- (3) (a) The commission shall determine the maximum amount that may be charged by a permittee for an alcoholic beverage, including any set-up fee or other charge.
- (b) The maximum amount that may be charged shall be set forth in the permit.

(4) Upon commission approval of any application and upon the granting of a single event permit, the department shall send copies of the approved application and the permit to state and local law enforcement authorities before the scheduled event.

32A-7-105 (Repealed 07/01/11). Bond.

(1) Any applicant for a single event permit shall post a cash or corporate surety bond in the penal sum of \$1,000 payable to the department, which the applicant has procured and must maintain for so long as the permit is in effect.

(2) The bond shall be in a form approved by the attorney general, conditioned upon the permittee's faithful compliance with this title and the rules of the commission.

(3) No part of any cash or corporate bond so posted may be withdrawn during the period the permit is in effect. A bond filed by the permittee may be forfeited if the permit is revoked.

32A-7-106 (Repealed 07/01/11). Operational restrictions.

(1) (a) An organization granted a single event permit and a person involved in the storage, sale, or service of an alcoholic beverage at the event for which the permit is issued, shall abide by:

(i) this title;

(ii) the rules of the commission; and

(iii) the special conditions and requirements provided in this section.

(b) Failure to comply with Subsection (1)(a) by an organization or person described in Subsection (1)(a):

(i) may result in:

(A) an immediate revocation of the single event permit;

(B) forfeiture of the surety bond; and

(C) immediate seizure of an alcoholic beverage present at the event; and

(ii) disqualifies the organization from applying for a period of three years from the date of revocation of the permit for:

(A) a single event permit under this chapter; or

(B) a temporary special event beer permit under Chapter 10, Part 3, Temporary Special Event Beer Permits.

(c) An alcoholic beverage seized under this Subsection (1) shall be returned to the organization after the event if forfeiture proceedings are not instituted under Section 32A-13-103.

(2) Special conditions and requirements for a single event permittee include the following:

(a) (i) A person involved in the storage, sale, or service of an alcoholic beverage at the event must do so under the supervision and direction of the permittee.

(ii) A person involved in the sale or service of an alcoholic beverage at the event may not, while on duty:

(A) consume an alcoholic beverage; or

(B) be intoxicated.

(b) (i) A permittee shall purchase liquor stored, sold, served, and consumed at the event from a state store or package agency.

(ii) The permittee shall purchase beer from:

(A) a licensed beer wholesaler; or

(B) a licensed beer retailer.

(iii) An alcoholic beverage is considered under the control of the permittee during the event.

(iv) An attendee of the event may not bring an alcoholic beverage onto the premises of the event.

(c) A permittee may not charge more than the maximum amount set forth in the permit for an alcoholic beverage.

(d) A permittee shall post in a prominent place in the area in which an alcoholic beverage is sold, served, and consumed, a copy of the permit, together with a list of the operational restrictions and requirements of a single event permittee set forth in this section.

(e) An alcoholic beverage purchased for the event may not be stored, sold, served, or consumed in a location other than that described in the application and designated on the permit unless the permittee first applies for and receives approval from the commission for a change of location.

(f) (i) A single event permittee may sell or provide a primary spirituous liquor only in a quantity not to exceed 1.5 ounces per beverage except that additional spirituous liquor may be used in a beverage if:

(A) used as a secondary flavoring ingredient;

(B) used in conjunction with the primary spirituous liquor;

(C) the secondary ingredient is not the only spirituous liquor in the beverage;

(D) an attendee has no more than 2.5 ounces of spirituous liquor at a time before the attendee; and

(E) an attendee has no more than one spirituous liquor drink at a time before the attendee.

(ii) Spirituous liquor need not be dispensed through a calibrated metered dispensing system.

(g) (i) (A) Wine may be sold and served by the glass or an individual portion that does not exceed five ounces per glass or individual portion.

(B) An individual portion may be served to an attendee in more than one glass as long as the total amount of wine does not exceed five ounces.

(C) An individual portion of wine is considered to be one alcoholic beverage under Subsection (2)(p).

- (ii) Wine may be sold and served in a container not exceeding 1.5 liters at a price fixed by the commission.
- (iii) A wine service may be performed and a service charge assessed by the single event permittee as authorized by commission rule for wine purchased at the event.
- (h) (i) Heavy beer may be served in an original container not exceeding one liter at a price fixed by the commission.
- (ii) A flavored malt beverage may be served in an original container not exceeding one liter at a price fixed by the commission.
- (iii) A service charge may be assessed by a single event permittee as authorized by commission rule for heavy beer or a flavored malt beverage purchased at the event.
- (i) (i) Subject to Subsection (2)(i)(ii), beer may be sold for on-premise consumption:
 - (A) in an open container; and
 - (B) on draft.
- (ii) Beer sold pursuant to Subsection (2)(i)(i) shall be in a size of container that does not exceed two liters, except that beer may not be sold to an individual attendee in a size of container that exceeds one liter.
- (j) (i) An alcoholic beverage may not be sold, served, or consumed between the hours of 1 a.m. and 10 a.m.
- (ii) This Subsection (2)(j) does not preclude a local authority from being more restrictive with respect to the hours of sale, service, or consumption of an alcoholic beverage at a temporary single event.
- (k) An alcoholic beverage may not be sold, served, or otherwise furnished to a:
 - (i) minor;
 - (ii) person actually, apparently, or obviously intoxicated;
 - (iii) known habitual drunkard; or
 - (iv) known interdicted person.
- (l) (i) (A) Liquor may be sold only at a price fixed by the commission.
- (B) Liquor may not be sold at a discount price on any date or at any time.
- (ii) An alcoholic beverage may not be sold at less than the cost of the alcoholic beverage to the permittee.
- (iii) An alcoholic beverage may not be sold at a price that encourages over consumption or intoxication.
- (iv) An alcoholic beverage may not be sold at a special or reduced price for only certain hours of the day of the permitted event.
- (v) More than one alcoholic beverage may not be sold or served for the price of a single alcoholic beverage.
- (vi) The permittee may not engage in a public promotion involving or offering free alcoholic beverages to the general public.
- (m) A single event permittee and its employees may not permit an attendee to carry from the premises an open container that:
 - (i) is used primarily for drinking purposes; and
 - (ii) contains an alcoholic beverage.
- (n) A minor may not sell, serve, dispense, or handle an alcoholic beverage at the event.
- (o) An attendee may have no more than one alcoholic beverage of any kind at a time before the patron, subject to the limitation in Subsection (2)(f)(i)(E).
- (3) The permittee shall maintain an expense and revenue ledger or record showing:
 - (a) expenditures made for liquor and beer, set-ups, and other ingredients and components of an alcoholic beverage; and
 - (b) the revenue from the sale of an alcoholic beverage.
- (4) A single event permit may not be transferred.
- (5) A single event permittee may not on the premises serviced by the single event permittee:
 - (a) engage in or allow any form of gambling, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling;
 - (b) have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling; or
 - (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.
- (6) A single event permittee or an employee of the single event permittee may not knowingly allow a person at an event to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug Paraphernalia Act:
 - (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or
 - (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in Section 58-37a-3.