

**32B-10-206 General operational requirements for special use permit.**

- (1)
  - (a) A special use permittee and staff of the special use permittee shall comply with this title and rules of the commission, including the relevant part of the chapter that applies to the type of special use permit held by the special use permittee.
  - (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
    - (i) a special use permittee;
    - (ii) individual staff of a special use permittee; or
    - (iii) a special use permittee and staff of the special use permittee.
  - (c) The commission may suspend or revoke a special use permit with or without cause.
- (2)
  - (a) If there is a conflict between this part and the relevant part under this chapter for the specific type of special use permit, the relevant part under this chapter governs.
  - (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," a special use permittee may only purchase, use, store, sell, offer for sale, allow consumption, or manufacture an alcoholic product authorized for the special use permit that is held by the special use permittee.
  - (c) Notwithstanding that this part or the relevant part under this chapter for the type of special use permit held by a special use permittee refers to "special use permittee," a person involved in the purchase, use, store, sell, offer for sale, allow consumption, or manufacture of an alcoholic product for which the special use permit is issued is subject to the same requirement or prohibition.
- (3)
  - (a) A special use permittee shall make and maintain a record, as required by commission rule, of any alcoholic product purchased, used, sold, or manufactured.
  - (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (3).
- (4)
  - (a) Except as otherwise provided in this title, a special use permittee may not purchase liquor except from a state store or package agency.
  - (b) A special use permittee may transport liquor purchased by the special use permittee in accordance with this Subsection (4) from the place of purchase to the special use permittee's premises.
  - (c) A special use permittee shall purchase liquor at prices set by the commission.
  - (d) When authorized by a special use permit, a special use permittee may purchase and receive an alcoholic product directly from a manufacturer for a purpose that is industrial, educational, scientific, or manufacturing.
  - (e) A health care facility may purchase and receive an alcoholic product directly from a manufacturer for use at the health care facility.
- (5) A special use permittee may not use, mix, store, sell, offer for sale, furnish, manufacture, or allow consumption of an alcoholic product in a location other than as designated in a special use permittee's application.
- (6) Except as otherwise provided, a special use permittee may not sell, offer for sale, or furnish an alcoholic product to:
  - (a) a minor;
  - (b) a person actually, apparently, or obviously intoxicated;
  - (c) a known interdicted person; or

- (d) a known habitual drunkard.
- (7) A special use permittee may not employ a minor to handle an alcoholic product.
- (8)
  - (a) The location specified in a special use permit may not be transferred from one location to another location, without prior written approval of the commission.
  - (b) A special use permittee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the permit to another person whether for monetary gain or not.
- (9) A special use permittee may not purchase, use, mix, store, sell, offer for sale, furnish, consume, or manufacture an alcoholic product for a purpose other than that authorized by the special use permit.
- (10) The commission may prescribe by policy or rule consistent with this title, the general operational requirements of a special use permittee relating to:
  - (a) physical facilities;
  - (b) conditions of purchase, use, storage, sale, consumption, or manufacture of an alcoholic product;
  - (c) purchase, storage, and sales quantity limitations; and
  - (d) other matters considered appropriate by the commission.

Enacted by Chapter 276, 2010 General Session