

**32B-11-206 Duties of commission and department before issuing manufacturing license.**

- (1)
  - (a) Before the commission may issue a manufacturing license, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a manufacturing license should be issued.
  - (b) The department shall forward to the commission the information and recommendations under Subsection (1)(a) to aid in the commission's determination.
- (2) Before issuing a manufacturing license, the commission shall:
  - (a) determine that the person filed a complete application and is in compliance with:
    - (i) Sections 32B-11-203 and 32B-11-205; and
    - (ii) the relevant part under this chapter for the specific type of manufacturing license;
  - (b) determine that the person is not disqualified under Section 32B-1-304;
  - (c) consider the physical characteristics of the premises where an alcoholic product is proposed to be stored, mixed, or manufactured such as:
    - (i) condition of the premises; and
    - (ii) safety and security considerations;
  - (d) consider the person's ability to properly use the manufacturing license within the requirements of this title and the commission rules including:
    - (i) manufacturing capacity;
    - (ii) extent of product distribution; and
    - (iii) the nature and type of entity making use of the manufacturing license;
  - (e) consider any special factor as provided in this chapter that may be unique to the specific type of manufacturing license sought by the person;
  - (f) approve of the location and equipment used by the person to manufacture an alcoholic product; and
  - (g) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session