

Part 2

Event Permitting General Provisions

32B-9-201 Application requirements for event permit.

- (1) To obtain an event permit, a person shall submit to the department:
 - (a) a written application in a form that the department prescribes;
 - (b) an event permit fee:
 - (i) in the amount specified in the relevant part under this chapter for the type of event permit for which the person is applying; and
 - (ii) that is refundable if an event permit is not issued;
 - (c) written consent of the local authority;
 - (d) a bond as specified by Section 32B-9-203;
 - (e) the times, dates, location, estimated attendance, nature, and purpose of the event;
 - (f) a description or floor plan designating:
 - (i) the area in which the person proposes that an alcoholic product be stored;
 - (ii) the site from which the person proposes that an alcoholic product be sold, offered for sale, or furnished; and
 - (iii) the area in which the person proposes that an alcoholic product be allowed to be consumed;
 - (g) a signed consent form stating that the event permittee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the premises during the event;
 - (h) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
 - (i) any other information as the commission or department may require.
- (2) An entity applying for a permit need not meet the requirements of Subsections (1)(b), (c), and (d) if the entity is:
 - (a) a state agency; or
 - (b) a political subdivision of the state.
- (3) The director may not issue an event permit to a person who is disqualified under Section 32B-1-304.
- (4)
 - (a) The proximity requirements of Section 32B-1-202 do not apply to an event permit.
 - (b) Notwithstanding Subsection (4)(a), nothing in this section prevents the director, the Compliance, Licensing, and Enforcement Subcommittee, or the commission from considering the proximity of an educational, religious, or recreational facility, or any other relevant factor in deciding whether to issue an event permit.

Amended by Chapter 365, 2012 General Session

32B-9-202 Duties before issuing event permit.

- (1)
 - (a) Before the director may issue an event permit, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the director as to whether the director should issue an event permit.

- (b) The department shall forward the information and recommendations described in Subsection (1)(a) to the director and the Compliance, Licensing, and Enforcement Subcommittee to aid in the determination.
- (2) Before issuing an event permit, the director shall:
- (a) determine that the person filed a complete application and is in compliance with:
 - (i) Section 32B-9-201; and
 - (ii) the relevant part under this chapter for the type of event permit for which the person is applying;
 - (b) determine that the person is not disqualified under Section 32B-1-304;
 - (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, determine that adequate and appropriate control measures and adequate and appropriate enforcement measures are in place at the event to assure that minors will not be sold or furnished alcohol and that adults will not be overserved, except that adequate and appropriate control and enforcement measures may be different for small, large, indoor, or outdoor events;
 - (f) determine that the event permit is not being sought by the person as a means to circumvent other applicable requirements of this title, notwithstanding that the applicant may hold one or more licenses issued under this title;
 - (g) consider, for the period of three years before the date of the event, the violation history of:
 - (i) the applicant; and
 - (ii) the venue where the event will be held;
 - (h) obtain the approval of the Compliance, Licensing, and Enforcement Subcommittee before issuing an event permit;
 - (i) notify each commissioner at least three business days before the director issues the event permit in accordance with Subsection (3); and
 - (j) consider any other factor the director considers necessary.
- (3)
- (a) The director shall inform each commissioner of the director's preliminary decision to issue or deny the issuance of an event permit three business days before the decision is to be final.
 - (b) The preliminary decision becomes a final decision of the director:
 - (i) unless within three business days of receipt of the notice at least three of the commissioners request a meeting to discuss whether the event permit should be issued; or
 - (ii) the director modifies or revokes the preliminary decision to issue or deny issuance of the event permit.
 - (c) If three or more of the commissioners request a meeting, the applicant for the event permit shall be notified and the commission:
 - (i) shall hold a meeting on the application for an event permit no later than the next regularly scheduled meeting of the commission; and
 - (ii) shall issue the event permit if the applicant meets the requirements of this chapter or shall deny issuance of the event permit if the applicant fails to meet the requirements of this chapter.
 - (d) Notwithstanding the other provisions of this Subsection (3), the director may at any time refer an application for an event permit directly to the commission for a determination as to whether an event permit should be issued or denied.
 - (e) For purposes of this title, an event permit issued by the commission is to be treated the same as an event permit issued by the director.

- (f) If the commission finds that an event permit was improperly issued or that the permittee has violated this chapter, the commission may take any action permitted under this title.
- (4) Once the director issues an event permit, the department shall send a copy of the approved application and the event permit by written or electronic means to the state and local law enforcement authorities at least three days before the event.
- (5) The director shall provide the commission a monthly report of the actions taken by the director under this part.
- (6) If authorized by the director, the deputy director may act on behalf of the director for purposes of issuing an event permit under this chapter.

Amended by Chapter 35, 2016 General Session

32B-9-203 Bond for event permit.

- (1)
 - (a) A person applying for an event permit shall post a cash bond or surety bond:
 - (i) in the amount specified in the relevant part under this chapter for the type of event permit for which the person is applying; and
 - (ii) payable to the department.
 - (b) An event permittee shall procure and maintain a bond required under this section for as long as the event permit is in effect.
- (2) A bond posted by an event permittee under this section shall be:
 - (a) in a form approved by the attorney general; and
 - (b) conditioned upon the event permittee's faithful compliance with this title and the rules of the commission.
- (3) No part of a bond posted by an event permittee under this section may be withdrawn during the period the event permit is in effect.
- (4)
 - (a) A bond posted by an event permittee under this section may be forfeited if the event permit is revoked.
 - (b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond posted by an event permittee for money owed the department under this title without the commission first revoking the event permit.

Enacted by Chapter 276, 2010 General Session

32B-9-204 General operational requirements for an event permit.

- (1)
 - (a) An event permittee and a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at an event for which an event permit is issued, shall comply with this title and rules of the commission.
 - (b) Failure to comply as provided in Subsection (1)(a):
 - (i) may result in:
 - (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (I) an event permittee;
 - (II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event; or
 - (III) any combination of the persons listed in this Subsection (1)(b);

- (B) immediate revocation of the event permit;
 - (C) forfeiture of a bond; or
 - (D) immediate seizure of an alcoholic product present at the event; and
- (ii) if the event permit is revoked, disqualifies the event permittee from applying for an event permit for a period of three years from the date of revocation of the event permit.
- (c) An alcoholic product seized under this Subsection (1) shall be returned to the event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.
- (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 held by the special use permittee, the relevant part governs.
 - (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an event permittee may only sell, offer for sale, or furnish an alcoholic product specified in the relevant part under this chapter for the type of event permit that is held by the event permittee.
 - (c) Notwithstanding that this part or the relevant part under this chapter for the type of event permit held by an event permittee refers to "event permittee," a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event for which the event permit is issued is subject to the same requirement or prohibition.
- (3) An event permittee shall display a copy of the event permit in a prominent place in the area in which an alcoholic product is sold, offered for sale, furnished, and consumed.
- (4) An event permittee may not on the premises of the event:
- (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.
- (5) An 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.
- (6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases from:
- (a) a beer wholesaler licensee;
 - (b) a beer retailer; or
 - (c) a small brewer.
- (7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product purchased for an event in a location other than that described in the application and designated on the event permit unless the event permittee first applies for and receives approval from the director, with the approval of the Compliance, Licensing, and Enforcement Subcommittee, for a change of location.
- (8)
- (a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish beer for on-premise consumption:
 - (i) in an open original container; and
 - (ii) in a container on draft.

- (b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to Subsection (8)
 - (a):
 - (i) in a size of container that exceeds two liters; or
 - (ii) to an individual patron in a size of container that exceeds one liter.
- (9)
 - (a) An event permittee may not sell or offer for sale an alcoholic product at less than the cost of the alcoholic product to the event permittee.
 - (b) An event permittee may not sell an alcoholic product at a discount price on any date or at any time.
 - (c) An event permittee may not sell or offer for sale an alcoholic product at a price that encourages overconsumption or intoxication.
 - (d) An event permittee may not sell or offer for sale an alcoholic product at a special or reduced price for only certain hours of the day of an event.
 - (e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic product at the price of a single alcoholic product.
 - (f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic product under an event permit, may not sell, offer for sale, or furnish an indefinite or unlimited number of alcoholic products during a set period for a fixed price, unless:
 - (i) the alcoholic product is served to a patron at a seated event;
 - (ii) food is available whenever the alcoholic product is sold, offered for sale, or furnished; and
 - (iii) no person advertises that at the event a person may be sold or furnished an indefinite or unlimited number of alcoholic products during a set period for a fixed price.
 - (g) An event permittee may not engage in a public promotion involving or offering a free alcoholic product to the general public.
- (10) An event 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.
- (11)
 - (a) An alcoholic product is considered under the control of the event permittee during an event.
 - (b) A patron at an event may not bring an alcoholic product onto the premises of the event.
- (12) An event permittee may not permit a patron to carry from the premises an open container that:
 - (a) is used primarily for drinking purposes; and
 - (b) contains an alcoholic product.
- (13)
 - (a) A person involved in the storage, sale, or furnishing of an alcoholic product at an event is considered under the supervision and direction of the event permittee.
 - (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at an event may not, while on duty:
 - (i) consume an alcoholic product; or
 - (ii) be intoxicated.
- (14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.
- (15) The location specified in an event permit may not be changed without prior written approval of the commission.
- (16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the event permit to another person whether for monetary gain or not.
- (17)

- (a) An event permittee may not sell, offer for sale, furnish, or allow the consumption of an alcoholic product during a period that:
 - (i) begins at 1 a.m.; and
 - (ii) ends at 9:59 a.m.
 - (b) This Subsection (17) does not preclude a local authority from being more restrictive with respect to the hours of sale, offer for sale, furnishing, or consumption of an alcoholic product at an event.
- (18) A patron may have no more than one alcoholic product of any kind at a time before the patron.
- (19)
- (a) An event permittee shall display, in a prominent place, a sign in large letters that consists of text in the following order:
 - (i) a header that reads: "WARNING";
 - (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
 - (iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
 - (iv) a header that reads: "WARNING"; and
 - (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
 - (b)
 - (i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (19)(a)(iv) and (v).
 - (ii) The warning statements in the sign described in Subsection (19)(a) shall be in the same font size.
 - (c) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

Amended by Chapter 365, 2012 General Session