

Effective 5/10/2016

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