

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